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RELATIONS IN EDUCATION BETWEEN
BISHOP LEGAL AND THE ALBERTA
LIBERAL GOVERNMENT, 1905-1920

by

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A THESIS

SUBMITTED TO THE FACULTY OF
GRADUATE STUDIES IN PARTIAL
FULFILMENT OF THE REQUIREMENTS
FOR THE DEGREE OF MASTER OF EDUCATION
DEPARTMENT OF EDUCATIONAL FOUNDATIONS

1966

Edmonton, Alberta

UNIVERSITY OF ALBERTA

FACULTY OF GRADUATE STUDIES

The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies for acceptance, a thesis entitled Relations in Education between Bishop Legal and the Alberta Liberal Government 1905-1920 submitted by Stephen T. Rusak in partial fulfilment of the requirements for the degree of Master of Education.

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CHAPTER I

INTRODUCTION

Statement of the Problem

The purpose of this study is to trace church-state relations in education in the Province of Alberta from 1905 to 1920. More particularly, this study explores the relations between the provincial Liberal party and the Roman Catholic church during the episcopate of Bishop (later Archbishop) Legal.

Statement of Sub-problems

There are five sub-problems:

1. To indicate the extent of Roman Catholic influence in the political life of the Province of Alberta in the field of education.
2. To analyse the influence of Bishop Legal as chief spokesman for Catholic interests on Alberta's school system.
3. To show the development of separate school law during Bishop Legal's episcopate.
4. To note the extent of the bicultural controversy in Alberta and its effects on educational issues insofar as church-state relations were affected.
5. To discover the reasons for success or failure of negotiations in effecting educational policy in those areas where the concerns of the church and the state overlapped.

Delimitations of the Study

This study is limited to a consideration of Bishop Legal and his efforts to achieve Catholic goals in the field of education. Attention is focussed on the extent of his influence upon the public and separate school systems after the Alberta Act became operational on September 1, 1905. Only church-state relations in education are discussed; references to other church-state issues such as welfare legislation and liquor laws are omitted. Indian education or special educational facilities erected for ethnic groups are also excluded, although members of the clergy were involved in both. Purely religious functions of the Roman Catholic church are included when they serve to clarify some educational issue.

Basic Hypotheses

There are four basic hypotheses:

1. Bishop Legal's conciliatory attitude toward the provincial Liberal government during the first provincial election in 1905 augured well for future cooperation between ecclesiastical and political authorities.
2. Friendly personal relations between Bishop Legal and members of the provincial Liberal cabinet were instrumental in lessening friction when treating educational problems.
3. A policy of covert diplomacy, in keeping with the wishes of the government, helped Legal gain important concessions for Catholic goals.

4. Differences between French and English Catholics in Alberta precluded a united front in achieving Catholic educational aims.

Relevance of the Study

In his study of church-state relations entitled "Relations in Education Between the State and the Roman Catholic Church in the Canadian North-West with Special Reference to the Provisional District of Alberta from 1880 to 1905," Dr. M.R. Lupul states that "Bishop Legal . . . emerges as the religious leader who held the balance of power during a crucial period in Canada's history."¹ The assertion is sufficient to warrant further study of Bishop Legal's educational influence. Although Legal's life and work are treated in history texts and encyclopedias, there is no work, outside the above thesis, which sheds light on the importance of Legal as a shaper of Canadian educational policy. On the contemporary scene, this study helps to illuminate the bi-nation theory held by French Canadians with respect to Canadian Confederation, as Legal was implicated by circumstances and conviction in the problem of Canadian nationalism.

Sources of Data

The primary source of information for this study is the correspondence of Bishop Legal available in the Archives of the Roman Catholic Archbishop in Edmonton, Alberta. Letter books from 1905 to 1920 containing outgoing mail and the file cases containing incoming material on educational matters have not been examined before. Legal's diaries,

along with some incoming material, are found in the Archives of the Oblates of Mary Immaculate in Edmonton. Only five diaries covering the years 1905 to 1909 were available.

Review of Related Literature

Among the theses that served as immediate background for this study, Lupul's² is the most comprehensive. It traces in minute detail personalities and events that formed the Alberta educational system from 1880 to 1905. Hochstein³ reviews the growth of the Catholic and public schools in various centres in Alberta from their origins. The work is based on primary source material in discussing Catholic separate schools, but relies on secondary sources in interpreting the development of the separate school system. In his history of the Catholic church in Edmonton, Maclean⁴ makes only passing references to educational issues during Bishop Legal's time. General background material for the evolution of the Alberta school system is provided by Goresky⁵ and, in particular, Sparby,⁶ whose study terminated in 1925.

Weir's book The Separate School Question in Canada⁷ discusses two topics relevant to this study: the taxation of companies for separate school purposes and the language of school instruction. Sisson's Church and State in Canadian Education⁸ is critical of separate schools, but remains an important source for an overview of church-state problems throughout Canada. L.G. Thomas⁹ has written the political history of Alberta from 1905 to 1921, but the work has few references to educational issues after the first provincial election. It is valuable nonetheless

for a vivid description of the several cabinet ministers with whom Legal had close contact. No mention, however, is made of Bishop Legal. Philosophical and historical insight into the nature of church-state issues is provided by Siegfried's The Race Question in Canada¹⁰ and, more recently, Schmeiser's Civil Liberties in Canada.¹¹ It would be incorrect to suppose that educational issues stand apart from deep-rooted religious sentiments, especially in Canada.

1. M.R. Lupul, "Relations in Education Between the State and the Roman Catholic Church in the Canadian North-West with Special Reference to the Provisional District of Alberta from 1880 to 1905" (unpublished Doctoral thesis, Harvard University, 1963), 886.
2. Ibid.
3. L.A. Hochstein, "Roman Catholic Separate and Public Schools in Alberta" (unpublished Master's thesis, University of Alberta, 1954).
4. Ralph Maclean, "The History of the Roman Catholic Church in Edmonton" (unpublished Master's thesis, University of Alberta, 1958).
5. Isidore Goresky, "The Beginning and Growth of the Alberta School System" (unpublished Master's thesis, University of Alberta, 1944).
6. H. Sparby, "A History of the Alberta School System to 1925" (unpublished Doctoral thesis, Stanford University, 1958).
7. G.M. Weir, The Separate School Question in Canada (Toronto: The Ryerson Press, 1934).
8. C.B. Sissons, Church and State in Canadian Education: An Historical Study (Toronto: The Ryerson Press, 1959).
9. L.G. Thomas, The Liberal Party in Alberta: A History of Politics in the Province of Alberta 1905-1921 (Toronto: University of Toronto Press, 1959).
10. André Siegfried, The Race Question in Canada (London: Eveleigh Nash, 1907).
11. D.A. Schmeiser, Civil Liberties in Canada (London: Oxford University Press, 1964).

CHAPTER II

CATHOLIC CHURCH - STATE RELATIONS IN EDUCATION IN THE NORTH WEST TERRITORIES FROM 1875 TO 1905

Educational developments in Alberta from 1875 to 1905 are discussed in this chapter as background to events after 1905. The topics considered are: (1) the evolution of legislation for separate schools; (2) the reaction of the Roman Catholic hierarchy to the changes in separate school legislation up to 1807; (3) a brief biography of Bishop Legal; (4) Bishop Legal's involvement in the church - state dispute up to 1905; (5) Bishop Legal's involvement in the first provincial election in Alberta, 1905.

1. The Evolution of Legislation for Separate Schools

Separate schools became part of Canada's educational landscape by the inclusion in the British North America Act of a clause which ensured their existence.¹ The North-West Territories Act, passed by the federal government in 1875, made provision for a system of separate schools in accordance with the guidelines laid down in the British North America Act.²

The first school Ordinance was passed in 1884. Under its provisions, a Board of Education was set up with Protestant and Roman Catholic sections. The system inaugurated by this Ordinance was modelled on the dual system in Quebec at that time. In Quebec the Protestant and Roman Catholic Committees together formed the Council of Public Instruction, but in 1875 they were given complete independence of action.³ In the North-West

each section controlled and managed its own schools, licensed its own teachers, selected the books to be used in the schools, and appointed its own inspectoral staff. Religious instruction was an integral part of daily study for those who desired it. School could be opened with prayer and, after secular studies were completed, a period of religious instruction could follow. The Ordinance made it explicit that those children whose parents did not desire this instruction could withdraw and no child would be treated unfairly should the parents exercise this option.⁴

By the School Ordinance of 1886, a separate school could be organized by a minority of ratepayers who resided within the limits of an already organized public school district.⁵ Under this restriction Catholics had to establish a public school district where they were a majority of the ratepayers, even if they desired a separate school. The School Ordinance of 1887 fixed membership on the Board of Education at two years and representation on the board changed from two Protestants and two Roman Catholics to five Protestants and three Roman Catholics.⁶ The Board agreed to allow Catholic school districts to proclaim Catholic holidays outside the six mandatory ones established by the Board.

In 1892 the Board of Education was replaced by a Council of Public Instruction composed of four members of the Legislative Assembly and four members appointed by the Lieutenant-Governor in Council. Of the appointed members, two were Protestant and two were Roman Catholic, sitting in an advisory capacity without a vote. The power to appoint

a Council of Public Instruction and to vote on its transactions was retained by the Assembly's Executive Committee. By the 1892 School Ordinance, the dual system was abolished in the North-West Territories and control of education passed from denominational to state control.

The duties relegated to the Council of Public Instruction were considerable.⁷ It appointed a superintendent of education, school inspectors and the Board of Examiners, established rules and regulations for the conduct of the schools, regulated the certification of teachers, prescribed textbooks for all public and separate schools, determined all cases of appeal from the decisions of trustees or inspectors, altered the boundaries of school districts, appointed a commission to enquire into the conditions and financial arrangements of any school district, made provision for emergencies arising under the operation of the Ordinance, and provided for a half-hour of religious instruction at the end of the school day.⁸ Furthermore, it stipulated that English was the language of instruction although "a primary course" in French was permissible if the trustees desired it.

In 1897 a Department of Public Instruction was organized, preceding the Department of Education established in 1901.⁹ In the latter year, the Council of Public Instruction was replaced by an Educational Council composed of five members, two of whom were Catholic. The Council was appointed by the Lieutenant-General in Council but its function was advisory as before. While the Council could consider any educational question in the Territories, its effectiveness was limited

to a degree that it could influence the direction of foreseeable change. When Parliament passed the Autonomy Acts in 1905 the educational clause finally agreed upon guaranteed to the separate schools those privileges set down in the Ordinances of the North-West Territories passed in 1901. Section 17 of the Alberta Act reads as follows:

17. Section 93 of the British North America Act, 1867, shall apply to the said province, with the substitution for paragraph (1) of the said section 93, of the following paragraph: -

"(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the Ordinances of the North-West Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in the said ordinances."

(2) In the appropriation by the Legislature or distribution by the Government of the province of any moneys for the support of schools organized and carried on in accordance with the said chapter 29 or any Act passed in amendment thereof, or in substitution therefor, there shall be no discrimination against schools of any class described in the said chapter 29.

(3) Where the expression "by law" is employed in paragraph 3 of the said section 93, it shall be held to mean the law as set out in the said chapters 29 and 30, and where the expression "at the Union" is employed, in the said paragraph 3, it shall be held to mean the date at which this Act comes into force.¹⁰

2. Reaction of the Roman Catholic Hierarchy to the Changes in Separate School Legislation up to 1897

Prior to 1892, the Catholic hierarchy in the North-West Territories were generally satisfied with the school system because of the clause in the North-West Territories Act which guaranteed their right to separate schools. The dual system of educational control was comparable to that in

Quebec and parallel to the system in Manitoba from 1870 to 1890. The School Ordinance of 1886 drew no protest from the Catholic clergy. They were represented on the Board of Education, the inspectoral staff, and on the general Board of Examiners for teacher certification. The French language could be used as the medium of instruction and time allotted for religious instruction in the separate schools was unrestricted. As a result, relations were good between the Catholic church and the state in the North-West until the passage of the controversial School Act in Manitoba in 1890.

The direction of new developments was evident in 1889 when a memorandum of the Legislative Assembly to Ottawa contained motions for the repeal of those sections of the North-West Territories Act which provided for separate schools and the use of the French language. The School Ordinance of 1892 excluded clerical influence in education and generally reduced Catholic participation in education to an advisory level. Representation on the inspectoral staff was limited to a single individual. Double taxation, however, was not imposed as it had been in Manitoba in 1890. Textbooks in all schools would be the same except for the use of optional readers in the primary classes. Frederick W.G. Haultain,¹² who was appointed chairman of the Council of Public Instruction, voiced the opinion of the Legislative Assembly: ". . . our Educational system as a whole can be and should be administered by a non-sectarian body. The policy of our law is to give a good plain English Education to every child in the Country, and so far as is possible, in the same way."¹³

An appeal against the 1892 Ordinance was launched by the Catholic hierarchy. The report of the Privy Council released early in 1894 upheld the law. The felt injustice of the Ordinance and the judgement of the Privy Council led to the denunciation of the school clauses by Father H. Leduc in the tract, Hostility Unmasked.¹⁴ As a result of the compromise in the Manitoba school question, the hierarchy in the North-West were alarmed that, in the event of autonomy, what remained of their influence in the field of education might be entirely nullified. The defeat of the Conservative party, so strongly supported by the Catholic church in the federal election of 1896, seriously reduced the prestige of the Catholic clergy, who now took great care to secure their remaining rights. They hoped to retain control of their own schools, the right to establish separate school districts everywhere, to provide their own teacher training, to choose their own Catholic readers and history books in both English and French, and to be free of any restriction with regard to religious instruction. In all the political-religious agitation that followed, Bishop Legal, coadjutor of the Diocese of St. Albert, played a leading role.

3. A Brief Biography of Bishop Legal¹⁵

Emile Joseph Legal was born on October 9, 1849,¹⁶ at St. Jean de Boisseau near Nantes, France. Attracted to the priesthood, he studied at both the minor and major seminary in Nantes under the Sulpician Fathers. After completing his philosophical and theological studies, he was ordained priest on June 29, 1874. Although he wished to be a missionary, his

obedience required that he undertake teaching at St. Stanislaus College in Nantes as professor of science, and it was not until 1879 that he entered the Congregation of the Oblates of Mary Immaculate as a novice.¹⁷ With the restrictions imposed upon the clergy in France in 1880, Legal continued his novitiate in Lachine, Quebec.¹⁸ Assigned to work among the Blackfoot and Blood tribes, he made his way to the North-West where he arrived on December 1, 1881. For sixteen years he worked among the Indians. Coadjutor of Bishop Grandin since 1897, Legal became bishop of the Diocese of St. Albert on June 3, 1902. In 1912 the Diocese of St. Albert was divided and Legal became the first archbishop of the Diocese of Edmonton,¹⁹ which office he occupied until his death on March 10, 1920.

Besides being involved in the political affairs of his day and the administration of his diocese, Legal found time to write two books. He maintained a lifelong interest in the Indian and, as a result of his experiences, produced Les Indiens dans les Plaines, in 1891. His other work, written in 1914, was Short Sketches of the History of the Catholic Churches and Missions in Alberta.²⁰

4. Bishop Legal's Involvement in the Church-State Dispute up to 1905

The papal encyclical "Affari vos" issued in 1897 cautioned the Catholic clergy in Canada to accept the compromise on the school question in Manitoba. The strategy to insure that the Catholics in western Canada would not suffer another setback when the provisional districts of the North-West Territories became provinces took several

forms. The western Canadian hierarchy, deciding that public dispute was detrimental to their cause, worked in the background. Through Catholic members in the territorial Assembly, they exerted pressure to obtain a Catholic normal school, Catholic textbooks and a French-Catholic school inspector. In Ottawa, through the good offices of the apostolic delegate, they made their wishes known directly to the prime minister, through whom they sought to influence the provisions for education in the Autonomy Acts.²¹ Since Catholics formed only a minority of the population in Western Canada, they also sought to encourage Catholic emigration to the territories in order to improve their representation in various elective offices.²² In all this covert agitation, Legal was quite aware that the essential element was tax support for separate schools without the onus of double taxation.²³

Leaving educational policy in the hands of the prospective province was not the intent of the Catholic hierarchy. The events which led to diminished clerical influence in education in Manitoba were still fresh in the minds of clergy and laymen alike. To forestall complete provincial control, Legal, in 1904, had prepared the clause he wished to see incorporated in the Autonomy Act.²⁴ He was realistic enough to allow that all he desired could not be granted.²⁵ The separate school clause presented early in 1905 by the Laurier government in Ottawa precipitated a political crisis. By March of the same year, a new draft was agreed upon which contained the Lamont amendment, guaranteeing religious instruction a permanent place in the educational

structure of the new province. On July 5, 1905, the Autonomy Bills were given third reading in the House of Commons. Haultain, who had campaigned vigorously for provincial control of education, reacted to section 17 of the Autonomy Act by stating:

The Commissioner of Education may, tomorrow, if he pleases, recommend new regulations granting separate text-books to separate schools. He may, if he pleases, appoint Roman Catholic inspectors for Roman Catholic schools. He may further provide by regulation for a different qualification for separate school teachers, and he may further establish Roman Catholic Normal Schools, separate teachers' institutes, separate Kindergartens, and separate deaf, dumb and blind institutions which, then, under the terms of the Autonomy Bill, must receive proportionate assistance from the public funds.²⁶

The methods used to attain the minority's goals had caused a rift in the ranks of the Catholic hierarchy in the West. Archbishop Adélard Langevin²⁷ informed Bishop Legal that he was about to issue a circular protesting the school clause, which would limit Catholic privileges to those granted in 1901. He asked Legal to add his name to the document as a sign of episcopal solidarity in western Canada, but Legal refused. He was supported in his stand by the apostolic delegate and by his own vicar-general, who believed that public manifestos were dangerous to their cause. Open protest, Legal felt, would engender further reaction and change the nature of the conflict from a political to a religious one. Whatever the extent of their protest, Legal was convinced that they had received all that they could realistically expect under the circumstances. Langevin was annoyed by Legal's insubordination and evinced his displeasure for several years afterward.²⁸ However, when Sifton's clause with the Lamont amendment was passed, Legal's reaction was dramatic: "A mon point

de vue, ça a été une catastrophe." What precisely was left of their rights, he did not know. He speculated: ". . . mais, en réalité, les provinces une fois constituées, eussent-elles interprété la clause dans le même sens que nous? c'est très douteux."²⁹ The full realization of the limitations and uncertainty under which the separate school system would labour finally dawned on Legal.

5. Bishop Legal's Involvement in the First Provincial Election in Alberta

The day after Alberta became a province, A.C. Rutherford³⁰ was chosen by G.H.V. Bulyea, the Lieutenant-Governor, to form the provisional government. The date set for the first provincial election was November 9, 1905. The Liberal and Conservative parties, modelled on their federal counterparts, waged political warfare in the accustomed manner. Education was one of the more important issues in the minds of many politicians. The Liberal party was led by A.C. Rutherford and the Conservative party by R.B. Bennett, who prior to provincial autonomy was member for Calgary in the territorial Assembly. At stake were twenty-five seats in the provincial legislature.

In early August, the Edmonton Journal reported that Father A. Therien was in Calgary to attend the Liberal convention as Bishop Legal's representative.³¹ Father A. Jan replied that Therien was in Calgary to attend the annual retreat of the Oblate order.³² On August 14, Legal indicated that about forty Oblates were in attendance at a retreat and that he was taking part in the exercises.³³ The editor saw fit to remark

on this event since Therien, in his estimation, was "to be reckoned with as a political force in the North."³⁴ He was not mistaken as later events were to show.

Approximately one month prior to the first provincial election, Legal issued a letter to the missionaries of his diocese explaining that Father Therien had been authorized to take a few weeks rest on account of his health.³⁵ Legal felt that a short journey through the missions in the southern part of the diocese would be most beneficial. In reality, the journey had a second purpose: Therien was to serve as a political propagandist on behalf of the Liberal party.³⁶ After Therien's return to Edmonton, very sick and very tired, Legal suggested complete relaxation for him in a warmer climate.³⁷ Soon after, Therien left for San Antonio, Texas, where he recuperated for six months.

The measure of Therien's influence cannot be accurately gauged. Whereas the Conservatives were committed to the abolition of separate schools,³⁸ the Liberals promised "to maintain intact and unimpaired the full legislative and executive authority of the Province of Alberta under the Constitution of Canada."³⁹ This broad platform did not exclude separate schools. Because several parties were contesting the elections in the southern constituencies more votes were cast against the Liberal government than for it. Some of the Liberal victories were hairbreadth affairs. The Conservatives were bitter in their appraisal of Roman Catholic influence. "They attributed their defeat largely to the effect of the votes of the Roman Catholics . . . and of those of the

new settlers of non-Anglo-Saxon origin, whom the Conservatives held to be under the influence of the agents of the federal government. Bennett, for example, attributed his defeat in Calgary to Roman Catholic influence."⁴⁰

The Liberal party won a resounding victory capturing all but two of the twenty-five seats. All the ministers whom Rutherford had chosen were returned. The lone Catholic in the legislature was H.W. McKenney of St. Albert.

6. Conclusion

For over a decade after the passage of the North-West Territories Act in 1875, good understanding was maintained between the Roman Catholic Church and both federal and territorial authorities. It was not until 1889, when the threat to the French language and the separate schools became evident, that tensions arose. The territorial Assembly abolished the clerical Board of Education in 1892 and relegated the control of separate schools to a political Council of Public Instruction. Because of the paucity of numbers, the minority were incapable of exerting sufficient pressure to prevent the change. Church agitation was at its height from 1893 to 1896 in the North-West but was ineffectual because the Manitoba school question had focussed national concern on the events in that province. When the federal Conservative party lost the election in 1896, Catholic hopes for favourable legislation with regard to separate schools faded. There was little public controversy in the period 1896 to 1904 after a papal encyclical and the apostolic delegate had cautioned the Catholic hierarchy to be more circumspect in their

public utterances. There was growing concern among the clergy that, with provincial autonomy looming, whatever was left of their separate school rights might be lost. In 1905 the school question again came to the fore. It caused the resignation of a federal cabinet minister and ill-feeling between two members of the Catholic hierarchy in the West. The educational clause incorporated in the Autonomy Acts preserved the status quo by upholding the separate school principle and making religious instruction part of the school curriculum in the new province. Because Legal supported the Liberal party in the 1905 election, its victory augured well for future cooperation between the religious and political authorities in Alberta.

1. In and for each Province the Legislature may exclusively make laws in Relation to Education, subject and according to the following provisions: -
 - (1) Nothing in any such law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class or Persons have by law in the Province at the Union:
 - (2) All the Powers, Privileges, and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissentient Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec:
 - (3) Where in any Province a System of Separate or Dissentient Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall be to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education:
 - (4) In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Execution of the Provisions of this Section is not made, or in case any Decision of the Governor General in Council on any appeal under this Section is not duly executed by the proper Provincial Authority in that Behalf, then and in every such case, and as far only as the Circumstances of each Case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section and any Decision of the Governor General in Council under this Section.

Great Britain, Statutes, 1867, 30-31 Vict., c.3, s.93.

2. When, and so soon as any system of taxation shall be adopted in any district or portion of the North-West Territories, the Lieutenant-Governor, by and with the consent of the Council or Assembly, as the case may be, shall pass all Council or Assembly, as the case may be, shall pass all necessary ordinances in respect of education; but it shall therein be always provided that a majority of the rate-payers of any district or portion of the North-West Territories, or any lesser portion or sub-division thereof, by whatever name the same may be known, may establish such schools therein as they may think fit, and make the necessary assessment and collection

of rates therefor; and further, that the minority of rate-payers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and that, in such latter case, the rate-payers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they may impose upon themselves in respect thereof.
Statutes of Canada, 1875, 38 Vict., c. 19, s. 11.

3. C.E. Phillips, The Development of Education in Canada (Toronto: W.J. Gage and Company Limited, 1957), 220.
4. Ordinances of the North West Territories, 1884, No. 5 ss. 83-86. Much of the background material in this chapter is based on Lupul, op. cit.
5. Ordinances of the North West Territories, 1886, No. 10, s. 12.
6. Ibid., 1887, No. 2, s. 1.
7. Ibid., 1892, No. 22.
8. Lupul, 355-6.
9. Ibid., 644.
10. Statutes of Canada, 1905, 4-5 Edward VII, c. 3, s. 17. The Act came into force on September 1, 1905.
11. Lupul, 232.
12. Frederick W.C. Haultain was member from Macleod, Alberta, serving on the Advisory Council (1888-92), the Executive Committee (1893-96) and the Executive Council (1897-1905). For an account of Haultain's role in education, see Robert Patterson, "F.W. Haultain and Education in the Early West" (unpublished Master's thesis, University of Alberta, 1958).
13. Quoted in Lupul, 376.
14. H. Leduc, Hostility Unmasked: School Ordinance of 1892 of the North-West Territories and its Disasterous Results (Montreal: C.O. Beauchemin & Son, 1896).
15. The biographical material is taken from a letter sent to a Catholic periodical in Paris, France. (Legal Papers, Legal to "Le Noel," Letter Book 1913-14, November 27, 1913, 868). The reference to Emile Joseph Legal in the Encyclopedia Canadiana is essentially correct except for the orthography. Legal's name is spelled

without the acute accent over the "e". The 1963 edition of The Macmillan Dictionary of Canadian Biography contains the same spelling as the Encyclopedia Canadiana.

16. A.G. Morice in his Histoire de l'Eglise Catholique dans L'Ouest Canadien du Lac Superieur au Pacifique (1659-1905) states that Legal was born on October 7, 1849.
17. The Macmillan Dictionary of Canadian Biography states that Legal emigrated to Canada and joined the Oblate order in 1880.
18. The partial reform of education proposed by Jules Ferry in 1879 excluded several teaching orders from carrying out their functions. Members of unauthorized religious orders could no longer teach in private or state schools. The measure caused an exodus of religious out of the schools and out of France. For a good exposition of the church-state dispute in France, see A. Dansette, Religious History of Modern France, 2 vols. (Freiburg: Herder, 1961).
19. The see of St. Albert was created on September 22, 1871, and later transferred to Edmonton. It was raised to an archdiocese in November 30, 1912. The Western Catholic Almanac, Rev. A.D. O'Brien (ed.) (Edmonton: The Western Catholic, 1953), 34.
20. Emile Joseph Legal, Short Sketches of the History of the Catholic Churches and Missions in Central Alberta (Winnipeg, [n.p.], 1914).
21. A permanent apostolic delegate was named to Canada in June 1899.
22. The proportion of Roman Catholics in Alberta was 20% in 1891 and 21% in 1901. John Blue, Alberta Past and Present: Historical and Biographical (Chicago: Pioneer Historical Publishing Co., 1924), I, 217.
23. Lupul, 698.
24. Legal's clause is given in ibid., Appendix C, 908. In all, the Catholic hierarchy presented seven clauses; Legal's was the first.
25. Ibid., 699.
26. Quoted in The Canadian Annual Review, 1905, 254.
27. Louis Philippe Adélard Langevin, Archbishop of St. Boniface, was a member of the Oblate order. He held this position from 1895 to the time of his death on June 15, 1915. Encyclopedia Canadiana (Ottawa: The Grolier Society of Canada Limited, 1958) VI, 68.

28. Lupul quotes Langevin's letter to Pope Pius X, May 7, 1907, as one instance of the disappointment that Langevin felt as a result of Legal's rebuff. Lupul, 857.
29. Legal Papers, Legal to D. Sbarette (Apostolic Delegate), Letter Book 1904-5, July 21, 1905, 272. Unless otherwise noted, the Legal Papers referred to are those in the Catholic Archbishop's Archives, Edmonton. Following French usage, Legal does not capitalize words which would ordinarily require a capital in English, and vice versa.
30. Alexander Cameron Rutherford was born in Upper Canada in 1858 and emigrated to the West in 1895. A lawyer by profession, he represented Strathcona in the legislature of the North-West Territories from 1902-5. He served as provincial premier from 1905 to 1911, and after his defeat at the polls in 1913 retired from politics. Encyclopedia Canadiana, IX, 117. For an account of Rutherford's influence in the development of education in Alberta, see Marzolf, "Alexander Cameron Rutherford and his Influence on Alberta's Educational Program" (unpublished Master's thesis, University of Alberta, 1961).
31. Edmonton Journal, August 2, 1905. The Journal supported the Conservative candidates in the election.
32. Lupul, 848.
33. Legal Papers, Legal to Cul  rier, Letter Book 1904-5, August 4, 1905, 348.
34. Edmonton Journal, August 2, 1905.
35. Legal Papers, Legal to the Reverend Oblate Fathers and Others: Missionaries of the Diocese of St. Albert, Letter Book 1904-5, October 11, 1905, 456.
36. A note marked strictly confidential is found between pages 456 and 457 of Letter Book 1904-5. It is unsigned but the handwriting is Legal's. The note reads: Le Rd. P  re Therien pourra profiter de son passage dans les diff  rentes localit  s pour rallier s'il est n  cessaire nos catholiques & les engager    soutenir le gouvernement qui a sur son programme la d  fense de nos droits & surtout de nos droits scolaires.
37. Ibid., Legal to G. Augier (Superior General of the Oblate Order, Rome), Letter Book 1905-7, December 15, 1905, 142.

38. L.G. Thomas, The Liberal Party in Alberta: A History of Politics in the Province of Alberta 1905-1921 (Toronto: University of Toronto Press, 1959), 23.
39. Ibid., 25.
40. Ibid., 28.

CHAPTER III

RELATIONS BETWEEN BISHOP LEGAL AND THE PROVINCIAL GOVERNMENT, 1906 TO 1908

Roman Catholic educational rights in the Province of Alberta were outlined in section 17 of the Alberta Act of 1905. The Act specified that separate school rights would be limited to those granted by the territorial Assembly in 1901. The overwhelming majority of the Liberal party facilitated the carrying out of those measures necessary for rapid development of the province. Besides becoming the first Premier, Rutherford also chose to be Minister of Education. By assuming the education portfolio, he assured proper attention to that aspect of provincial affairs. The first legislature was instrumental in fashioning the territorial system of education to the requirements of the new province. The Roman Catholic Bishop of St. Albert was aware that the legislation under which the separate schools could operate in the future left a large measure of freedom for negotiations with the provincial government.

This chapter deals with the period from 1906 to 1908. The relations between Bishop Legal and the provincial government are discussed under the following headings: (1) growing dissatisfaction with the provincial Liberal government; (2) the reconciliation of Bishop Legal with Archbishop Langevin; (3) the emphasis on English language study;

(4) the textbook issue; (5) the attempt to change the period for religious instruction; (6) the examination of St. Albert public school by Inspector Ellis; and (7) the exchange of diplomas with the University of Alberta.

1. Growing Dissatisfaction with the Provincial Liberal Government

Early in 1906, after Alberta's first parliament had prorogued, Bishop Legal took stock of the Catholic position. First, he established the strength of his relationship with the Liberal party. He had made a positive contribution toward the election of the Liberals in Alberta and he expected cordial relations to exist between the political and ecclesiastical authorities. "Quoique en pays protestant, & quoique une faible minorité, je dois dire que nous réussissons à faire respecter nos convictions & même à nous assurer une bonne partie de nos droits," Legal confided to a friend. During the election, he continued, one party had attempted to deprive them of their rights but "c'est l'autre encore qui a triomphé." Legal admitted that it was necessary to fight in the past and that the struggle would begin again. "C'est la condition humaine."¹

Catholic rights in education were not inconsiderable. The Catholics were represented by two members on the Educational Council. Separate school districts could be erected where public school districts existed. Taxes from Catholic ratepayers were directed toward the support of separate schools. The Catholic trustees of a separate school district could choose teachers whether or not these were members of a

religious order provided they had their diplomas. The last half-hour of the school day was set aside for religious instruction and, with the added advantage of religious teachers, the whole tone of teaching could be Catholic. The inspectors were required to be impartial in their methods of examination and unbiased in submitting reports. Although the regulations of the Department of Education were stringent, there was nothing in the law which prevented the use of Catholic books in Catholic schools. While there was no book which Bishop Legal had personally advocated in use, he would make known his views with every hope of success. All in all, he was not dissatisfied; on the contrary, he thought his position strong.² With the "right" party in power he had ample room to manoeuvre.

Legal informed Father Therien that he had visited both Attorney-General Cross and Premier Rutherford late in January 1906, but the meeting had left him somewhat sceptical. "Ils se sont montrés assurément très comme il faut," Legal observed, "mais je dois le dire aussi, très réservés aux promesses."³ Because of the assistance given to the Liberal party during the election, Legal hoped "que M. Oliver et les gens du Gouvernement ne se contenteront pas de simples bonnes intentions à notre égard."⁴ He also informed Therien that Nicholas D. Beck⁵ had been recommended for a judgeship and that McKenney had been proposed as a minister in the provincial cabinet.

Late in February 1906, Legal again wrote Father Therien about political developments in Edmonton.⁶ The newspapers claimed that two Catholic senators were to be named for the new provinces. In Alberta a

member of the provincial cabinet, L.G. DeVeber,⁷ was also to be given a senatorship and a petition was being circulated to have McKenney named to the post left vacant in the cabinet. In order to insure the success of the petition, Legal wrote to Rutherford:

As I have had the opportunity of mentioning it to you personally, on another occasion, allow me to state again that the Catholics of Alberta, by their number, their influence, and the support they have given, in the past year to the Liberal party, are entitled to a representative in your Cabinet. And in view of the vacancy left in said cabinet by the appointment of Dr. deWeber [sic] to a senatorship, I very strongly recommend Mr. H.W. McKenney, member of the legislature of Alberta for the vacant position.⁸

Legal's opinion with regard to the Liberal party was undergoing a change.

"Je vous avoue," he wrote to Therien, "que je commence à n'avoir guère bien confiance dans la bonne foi & la bonne volonté de tous ces gens là."⁹

Further disenchantment with the provincial Liberal leadership occurred in the following month. When the Bill for the Incorporation of Parishes was rejected by the legislature, Legal exploded. Addressing himself to the attorney-general, he declared: "You have acknowledged yourself what Catholics, in general, and the clergy in particular have done for your party. Now this is, I suppose, the retribution."¹⁰ It was equally evident that the appointment of McKenney was not forthcoming. As far as Legal was concerned, the government showed a lack of "moral courage" and he charged it with "evasion . . . a little beyond the allowed limits."¹¹ Clearly, Legal did not expect such stubborn opposition. However, the growing political estrangement was not paralleled in his relationships with his religious superior.

2. The Reconciliation of Bishop Legal with Archbishop Langevin

Legal had refused to support a public declaration issued by Archbishop Langevin against the separate school clauses in the Autonomy Bills. He believed it was the only line of conduct he could follow at the time in spite of the high feelings which the school debate fostered. Langevin's intrusion into the political battle in Saskatchewan was his own decision: "Mgr. Langevin lui-même a cru devoir adresser les prêtres de la Saskatchewan . . . une direction pour voter contre M. Haultain & les conservatives, au faveur du Gouvernement de M. Scott."¹² Langevin was annoyed at Legal's stand and ill-feeling arose.¹³

Early in April 1906, Legal wrote to Langevin expressing interest in the erection of the cathedral at St. Boniface.¹⁴ He wished Langevin the good fortune to see the edifice completed successfully. Langevin replied by inviting Legal to be present at the blessing of the cornerstone and Legal accepted.¹⁵ Later that year Langevin offered Legal the honour of singing the pontifical High Mass on the occasion. Legal replied that he would rather officiate at the throne - "ce qui serait plus solennel."¹⁶ In this way amicable relations were gradually re-established between the two men.¹⁷ It was a necessary condition to meet the problems that were looming on the horizon.

3. The Emphasis on English language study

The influx of immigrants into the North-West from various countries of the world settled the fate of the French language. It

no longer enjoyed the pre-eminence of a lingua franca even among the Catholic population in the newly formed province. The waves of immigration submerged the French-Catholic element and, by 1905, it had become a minority within a minority. In Alberta, in 1908, Legal calculated that approximately twenty per cent of the population was Catholic, only one-third French speaking.¹⁸ The problem of English language instruction was paramount for the effectiveness of separate school teaching. The effort to get Catholic teachers who could speak the language of the immigrants and teach English at the same time was formidable. Legal, however, was sufficiently realistic to accommodate himself to these developments.

In the early autumn of 1905, Legal was notified that two teachers wished to come to Canada. He took into consideration that their knowledge of English was limited "comme c'est la cas généralement en France." Conditions in Alberta precluded the use of teachers who did not have complete command of the English language. "Ici, au contraire, L'anglais est la partie de l'enseignement la plus strictement requise et on ne tolère pas un accent étranger dans un professeur."¹⁹ Moreover, prospective teachers were made aware that examinations were necessary before diplomas would be issued.

In many instances it was difficult for the nuns to teach English to the mixed populations in the classrooms. Exasperated to have so many Catholics of different nationalities, Legal wished for the gift of tongues. In boarding schools for Indian children, Legal required that

an English teacher be employed to instruct the pupils since the inspectors on the reserves demanded it. He emphasized the necessity of acquiring a command of the English language so that the nuns could obtain government diplomas:

La grande difficulté est toujours la question d'avoir des sujets de langue anglais, en parlant parfaitement l'anglais; et pour l'enseignement dans les écoles il faut avoir obtenu les diplômes du gouvernement. Les examens sont sérieux, et malheureusement les sujets diplômés nous manquent, pour faire face aux besoins.²⁰

When a correspondent asked what subjects to study in order to follow a teaching career in the Diocese of St. Albert, Legal advised: "As to the study of foreign languages, I would only ask him to fully master German; for other languages as Galician, Slavonian & c. . . . I think it is better not to trouble him about them."²¹ His criticism of Galician (i.e., Ukrainian) priests working among their countrymen was that they refused to learn the English language.²² It is clear that Legal had few illusions concerning the status of the French language in Alberta at this time.

4. The Textbook Issue

Prior to 1892, the choice of textbooks was in the hands of each section, Catholic and Protestant, of the Board of Education. After that date, the choice rested exclusively with the Council of Public Instruction. The responsibility was transferred to the Department of Education in 1901. The Catholic section of the Board of Education was particularly sensitive to the choice of history, reading, and literature texts. When the Council of Public Instruction issued its list, Father

Leduc charged that the books were replete with "lies and calumnies, invented by the spread of free thought, rationalism, schism and heresy; by materialism, infidelity and atheism against the Catholic Church and her institutions."²³ In the years before provincial autonomy several attempts were made by the Catholic hierarchy to get Catholic books approved for use. Legal waited for the results of Langevin's attempt to have a series of readers approved for Manitoba in 1898.²⁴ In 1902 Langevin asked Beck to assist the clergy in their efforts to have the Canadian Catholic Readers of Ontario adopted in territorial schools.²⁵ The attempts were unsuccessful and the clergy chose not to press the matter further. The following year, the Department of Education indicated that it was contemplating a change in the textbooks for use in the public schools and that there seemed to be no objection to the Catholic Readers. However, no changes ensued.²⁶

With the enactment of the Autonomy Bills, Legal was apprehensive about the future of Catholic education, but in the matter of textbooks he was more optimistic.²⁷ The issue came to the fore during the last days of 1906.²⁸ The principal of the Ottawa Normal School, J.B. White, informed Legal that Saskatchewan was about to make changes in its readers and had asked for samples.²⁹ The superintendent of education, he added, "would not be averse to having a series of Catholic readers placed on the authorized list, if only he was urged to do so by those in authority."³⁰ Legal assured White that he would explore the possibility of having the Canadian Catholic Readers approved in

Alberta; however, he was "afraid that the highest grade of the series might be found perhaps inadequate for the upper standards of our schools."³¹ With regard to history texts, Legal prepared to submit Outlines of English History and Outlines of Canadian History for use in the lower standards, and the Catholic School History of England for the upper standards. He was unsure, however, whether a Catholic school history of Canada was available at the higher level. From White's viewpoint, there was no Catholic school history of Canada suited to advanced classes.³² He felt that the Catholic history of England published by Sadlier was the best history textbook in use in Catholic schools, but Catholic schools in England had books which were in many ways superior.³³

Legal met with Rutherford in mid-January 1907 to discuss the textbook question.³⁴ Rutherford had indicated earlier that the Dominion Readers were "out of date"³⁵ and was receptive to Legal's suggestions for optional books for separate schools.³⁶ When he submitted his petition for the Canadian Catholic Readers, Legal included the history texts which he had mentioned to White. The issue lay dormant until early November. Therien informed Legal that Cross would introduce a new set of books for approval at the next sitting of the legislature, and wanted an appraisal of the books by the Catholic clergy.³⁷ Legal was pleased by this official but indirect consultation of the Catholic clergy.³⁸ He reacted favourably only toward the readers proposed for the lower standards. The readers for the upper

standards, along with the history texts proposed by Cross, were "anathema" since they would introduce Protestant ideas into Catholic schools.³⁹ Legal conceded that Cross was acting in good faith but that pressure from Ontario did not allow him a free hand in his actions.

The search for better textbooks in Alberta schools was the result of the establishment of the new university. Not only were curriculum changes proposed but free texts were to be distributed.⁴⁰ The London Conference on Education, held in May 1907, discussed the uniformity of textbooks used in Great Britain and throughout the colonies. In a conference at Winnipeg, the three ministers of education from Alberta, Saskatchewan, and Manitoba met to discuss common problems. As a result of the talks, Alberta and Saskatchewan agreed on uniform texts. A contract was let for a primer and readers for Standards I to IV and the readers were put into use in Alberta schools in 1908.

5. The Attempt to Change the Period for Religious Instruction

The vexed question of textbooks was not the only one tackled by the Catholic hierarchy. Religious instruction was also a sore point during the year.

The Ordinance of 1884 provided for religious instruction in the territorial schools of the North-West. The Ordinance of 1901 ruled that the last half-hour of the school day was sufficient for imparting religious knowledge. The Catholic hierarchy were not pleased with this restriction, but the attempt to change this provision was not a primary concern during the territorial period.

It was not a contentious issue until Legal brought it up in his conversation with Rutherford on January 12, 1907.

Legal wished to introduce a sub-section to section 137 of the School Act dealing with religious instruction. The addition he suggested read:

That in schools where all the pupils belong to the same denomination, and as long as this condition remains, the half-hour religious instruction may be given at any other time than the last half-hour as the trustees will direct.⁴¹

Section 137 was "obnoxious" and the change, if acted upon, would inconvenience no one and would be quite satisfactory for Catholic religious purposes. However, Legal did not wish to rearrange the schedule in schools where a mixed sectarian population was in attendance. In that case "the last half-hour was certainly the most convenient time for religious instruction." But "it seem[ed] completely unwarranted that so important a part of the teaching be consigned to the end of the school hours, at a time when the children were so anxious to go home" Further discussion was postponed since Rutherford was preparing for his voyage to Europe.

6. The Examination of St. Albert Public School by Inspector Ellis

Early in 1907, Legal sent a circular letter to the priests of his diocese informing them of the meeting which Legal and the members of the Oblate Order had had with the pope in October 1906.⁴² When the pope learned of the conditions of the Catholic schools in Alberta, he replied: "Tant mieux, tâcherons d'obtenir le plus possible du

Gouvernement." In a letter to Father Grenier, Legal admitted that in view of the circumstances, the pope's reply would be difficult to put into practice. He confided that their opponents were taking into account the new trends in educational policy "plus parfaitement que nous. Ici nous sommes réduits à arracher au Gouvernement ce qu'il veut bien consentir à nous abandonner."⁴³ The animosity aroused by the school question in the provincial elections in 1905 had not died down completely. Legal was convinced that a Protestant element was making political capital of the rivalry between the French and the English.⁴⁴ It was precisely on the school question that sensitivity was particularly acute and where emotions could explode at any time. However, the organization of the country and the establishment of new settlements had distracted everyone's attention from the thorny school question. The spark which ignited the fuse was the report of Inspector Ellis.

George E. Ellis of Edmonton reported on the conditions he found at the St. Albert Roman Catholic Public School in April 1907. He noted that the schoolrooms were overcrowded and the schoolgrounds were unsanitary. With regard to the children, they were weak in arithmetic, spelling, and pronunciation. The carelessness in the use of language Ellis attributed to the fact that the children were foreigners.⁴⁵ To the charge of overcrowding, Legal readily agreed.⁴⁶ There were seventy-five students in a room designed to accommodate fifty; more room had to be provided. Legal wondered, however, whether

spreading ashes on snow rendered the environment dangerous to health? The assertion that the children were bewildered in arithmetic, Legal brushed aside with the remark that the pupils were not accustomed to Ellis' manner of questioning. But it was for the last two charges that Legal reserved his ire. For children whose first language was not English it would be impossible to have perfect pronunciation. Some children in the school spoke three languages and the newest was English. He rejected the very idea that Cree children were "foreigners." "They are the aborigenes of the land, and less foreigners than anyone else." Likewise "the French Canadian pupils are not foreigners. Their ancestors have been the first to settle Canada. It is only when they are trying to learn english that they are using a foreign language." Moreover, other witnesses had passed favourable comments on their competence. It was a deliberate slight to discredit denominational education in the province. Legal sent a copy of his letter to both Inspector Ellis and Premier Rutherford.⁴⁷

In Legal's mind, this episode was but one manifestation of a more general problem. Writing to Father Lacombe, Legal indicated that there was a general reaction against the employment of nuns in the schools.⁴⁸ "On semble décidé à se passer du service des Soeurs. J'ai déjà dû protester deux fois publiquement dans l'église." It was not only the government and the laws which were oppressive: ". . . c'est bien plus de la sottise & du mauvais esprit de nos catholiques eux-mêmes." Legal may have suspected subversive elements at work to undermine Catholic education,

but relations with the University of Alberta served to restore some of his faith in the provincial educational system.

7. The Exchange of Diplomas with the University of Alberta

Bills for the establishment of a provincial university were introduced in the first session of the Alberta legislature in 1906. University education was the special interest of Premier Rutherford and, in spite of the opposition outside the legislature, the measure was passed.⁴⁹ Section 43 of the Act read as follows: "The university shall be strictly non-sectarian in principle and no religious dogma or creed shall be taught and no religious test required of any student or other person."⁵⁰ Appointments to the university were gazetted on April 15, 1908.⁵¹ Henry Marshal Tory⁵² was named president of the university and two Catholics, Justice N.D. Beck⁵³ of Edmonton and P.J. Nolan of Calgary, were named to the Senate.

Prior to the opening of term in September 1908, Tory asked Legal to submit his certificate from the university from which he had graduated. Early in August Legal obliged and submitted a request for a degree ad eundem gradum from the University of Alberta.⁵⁴ Legal informed other members of the clergy in his diocese to send their university certificates to the president of the university. In return they would receive an equivalent degree without the inconvenience of having to sit for examinations. But all was not so smooth as Legal had hoped.

Tory made it clear to Legal that the Senate had insisted that

only certificates granted by English or Canadian universities could be honoured with the equivalent degree.⁵⁵ However, he would take up the matter of certificates from the University of France at the next sitting of the Senate. While Legal felt that they might not get certificates, he was not going to let the opportunity pass by. He was disappointed that some of the sisters in the Calgary convent had not sent their diplomas to Tory and chided them: "There may come a time when these qualifications shall be required to teach certain classes & then it will become pretty hard for these mothers to undergo the . . . process of examinations."⁵⁶ When he received word that the Senate had extended its regulations to include the University of France,⁵⁷ Legal thanked Tory for his intervention on behalf of the members of University of France residing in Alberta.⁵⁸

Conclusion

Since the Liberal party had won the provincial election with the support of the Catholic clergy, Bishop Legal was confident his demands would receive due attention from the government. His first contacts were disappointing, but his personal friendship with Cross and Rutherford continued. On the other hand, friendly relations were re-established between Legal and Langevin soon after the elections in the Province of Saskatchewan.

In the field of education, Legal stressed the need for English language teachers in compliance with provincial regulations. He was disturbed, however, by Inspector Ellis' report. Although he did not

press a claim for a French-Canadian Catholic inspector, he was evidently irritated by the harsh treatment accorded St. Albert public school. Also, negotiations seemed to hold some promise for the approval of an optional set of readers and history textbooks, but the results were negative. The granting of degrees ad eundem gradum to the graduates of the University of France brought some satisfaction to Bishop Legal. There was some anti-separate school sentiment in the province in 1907, directed against religious teachers manifested by criticism of the nuns.

1. Legal Papers, Legal to J. Brasseul, Letter Book 1905-7, February 9, 1906, 332.
2. Ibid., Legal to E. Carnot, Letter Book 1905-7, December 14, 1906, 755.
3. Ibid., Legal to A. Therien, Letter Book 1905-7, January 31, 1906, 306.
4. Ibid., Frank Oliver had been publisher of the Edmonton Bulletin. After the resignation of Clifford Sifton, Oliver replaced him as Minister of the Interior in the federal cabinet.
5. Nicholas D. Beck was a lawyer by profession. A convert to the Catholic faith, he worked in active cooperation with Bishop Legal in the North-West for the Catholic cause.
6. Legal Papers, Legal to Therien, Letter Book 1905-7, February 28, 1906, 378.
7. For a full list of appointments to the cabinet, see John Blue, I, 117. DeVeber was minister without portfolio in the Rutherford cabinet.
8. Legal Papers, Legal to A.C. Rutherford, Letter Book, 1905-7, March 10, 1906, 402.
9. Ibid., Legal to Therien, Letter Book 1905-7, April 11, 1906, 493.
10. Ibid., Legal to C.W. Cross, Letter Book 1905-7, May 5, 1906, 543a.
11. Ibid., same to same, Letter Book 1905-7, May 23, 1906, 544.
12. Ibid., Legal to E. Grouard, Letter Book 1905-7, January 12, 1906, 231.
13. For a discussion of the tension which developed between Legal and Langevin, see Lupul, 785-800.
14. Legal Papers, Legal to A. Langevin, Letter Book 1905-7, April 4, 1906, 474.
15. Ibid., same to same, Letter Book 1905-7, April 18, 1906, 509.
16. Ibid., same to same, Letter Book 1905-7, August 9, 1906, 688. Legal in this instance was mindful of the occasion of his own consecration as coadjutor to Bishop Grandin in 1897. At that time, Langevin assisted at the ceremony in the same fashion as Legal was willing to serve Langevin during the service of the blessing of the cornerstone.

17. Lupul's statement, "Bishop Legal's stand during the school crisis was a touchy issue in the relations between St. Albert and St. Boniface for several years thereafter" (p.850), is essentially true. However, reconciliation between the two prelates was not long delayed and normal relations ensued.
18. Legal Papers, Legal to Langevin, Letter Book 1908-9, June [n.d.] 1908, 60. Legal estimated the Catholic population of his diocese at approximately 50,000. He broke down the figures as follows:

Catholiques de Langue française	17,370
Catholiques de Langue anglais	14,290
Catholiques de Langue allemande	3,170
Catholiques d'Autres Langues	12,680
Catholiques Indiens	4,490

Under the category "Catholiques d'Autres Langues," Legal subsumed the Catholics from eastern Europe, the Ukrainians and the Poles.

19. Ibid., Legal to Cavalery (France), Letter Book 1904-5, October 22, 1905, 490.
20. Ibid., Legal to Rev. Mère St. Antoine de Padoue (France), Letter Book 1905-7, January 30, 1907, 911.
21. Ibid., Legal to R. Beaton, Letter Book 1906-7, June 6, 1907, 353. This need for the German language was prompted by the immigration of German settlers from the United States in the spring of 1906. Legal wrote to German religious communities in Canada and Europe for priests to minister to the religious needs of these people. See Legal to P. Strecker, ibid., Letter Book 1905-7, November 22, 1905, 54 and Legal to Augier, ibid., Letter Book 1905-7, November 27, 1905, 73.
22. Ibid., Legal to Sbarette, Letter Book 1907-9, April 30, 1908, 660.
23. Leduc, 25.
24. Lupul, 579.
25. Ibid., 647.
26. Ibid., 678. Lupul attributes the delay to approaching provincial autonomy.
27. Legal Papers, Legal to Sbarette, Letter Book 1904-5, July 21, 1905, 272.

28. Legal was in Rome from August to November 1906 on Oblate business.
29. Legal Papers, J.B. White to Legal, file no. 8, December 29, 1906.
30. Ibid. White may have been confused by the new terminology. He addressed his letter to Legal in St. Albert, Saskatchewan.
31. Ibid., Legal to White, Letter Book 1905-7, January 9, 1907, 836.
32. Ibid., White to Legal, file no. 8, January 17, 1907.
33. Ibid.
34. Legal Papers, Oblate Archives, Edmonton, file no. D-I-620, January 16, 1907.
35. Rutherford Papers, Rutherford to J. Moore, telegram, file no. 5, October 17, 1905.
36. Legal Papers, Oblate Archives, Edmonton, file no. D-I-620, January 16, 1907.
37. Legal Papers, Therien to Legal, file no. 13, November [?], 1907.
38. Ibid., Legal to Therien, Letter Book 1907-8, November 8, 1907, 185.
39. To an article entitled, "Some Lies and Errors in History," Legal appended his own thoughts. "There is a protestant school of history which has monopolized the historical field in english speaking lands and through noise and imperturbable effrontry became the moulder of modern historical opinion. The great theory of this school is that greatness and Catholicity were incompatible. Ibid., file no. 2, November 8, 1908.
40. For a discussion of these developments, see Marzolf, 62-68.
41. Legal Papers, Legal to Rutherford, Letter Book 1905-7, January 30, 1907, 909.
42. Ibid., Circular of Bishop Legal to his Diocese, Letter Book 1906-7, January 6, 1907, 104.
43. Ibid., Legal to T.J. Grenier, Letter Book 1905-7, February 4, 1907, 917.
44. Ibid., Legal to J.B. Lebreton, Letter Book 1906-7, April 8, 1907, 248.
45. The report of Inspector Ellis is reminiscent of the report of

Inspectors Calder and Goggin of the same school in 1894. Their uncomplimentary report was challenged and gave rise to the attack on the prejudice of inspectors in Leduc's tract Hostility Unmasked. In it, he contended that the children were asked impossible questions in a language with which they were not totally familiar, viz., English.

46. Legal Papers, Legal to Trustees of Roman Catholic Public School District of St. Albert, Letter Book 1906-7, April 25, 1907, 288.
47. Rutherford was preparing to go to Europe at the time when Legal's report reached him. He was on his way to the Imperial Conference in England and from there hoped to vacation on the continent. He wrote to Legal asking him whether he could arrange an audience with the pope in Rome. Legal wrote to the treasurer of the Oblates in Rome:

Monsieur Rutherford, bien que protestant, s'est toujours montré bien veillant envers nous & nos institutions catholiques. Nous le considérons comme un de nos amis, & je vous serai personnellement très reconnaissant pour tous les services que vous pourrez leur rendre, dans le but de leur être agréable.
Ibid., Legal to Dozois (Rome), Letter Book 1906-7, April 29, 1907, 298.
48. Ibid., Legal to A. Lacombe, Letter Book 1906-7, June 10, 1907, 374.
49. Premier Rutherford was opposed by Frank Oliver who claimed that the money which would be voted for the university could be better spent elsewhere. Rutherford claimed that haste was necessary to avoid the sectarian conflicts which had developed in Ontario and which had rendered the settlement on the basis of land grants most difficult. For a detailed account of the trouble in Ontario, see John S. Moir, Church and State in Canada West (Toronto: University of Toronto Press, 1959), 82-128. Laurier refused to grant land for the support of the University of Alberta. He claimed that the province was sufficiently endowed with available resources to support a university without a federal land grant. L.G. Thomas, 42.
50. Statutes of Alberta, 1906, 6 Edward VII, c. 42, s. 43.
51. The Alberta Gazette, vol. 4, no. 7. April 15, 1908, 2.
52. Tory regarded the denominational spirit as one of the "greatest dangers to good educational work." Rutherford Papers, H.M. Tory to Rutherford, private and confidential, file no. 11, March 6, 1906.

53. "The acts establishing the provincial courts went into force in September, 1907. . . . The name of the fifth member of the court, Mr. Justice Beck had been added by Laurier at Premier Rutherford's suggestion." L.G. Thomas, 49.
54. Legal Papers, Legal to Tory, Letter Book 1908-9, August 6, 1908, 34.
55. Ibid., Legal to H. Voisin, Letter Book 1908-9, August 21, 1908, 36.
56. Ibid., Legal to Reverend Mother Mary Greene, Letter Book 1908-9, September 16, 1908, 124.
57. "The University Act stated that the convocation of the university was to consist of all graduates of any British or Canadian university who had resided in the province at least three months prior to the date fixed for the election of the Senate, and had registered at least one month prior to this election. . . . Convocation exercises began on Wednesday, October 13, 1908." (Marzolf, 95).
"President Tory conferred 'en bloc' upon the members of convocation the degrees corresponding with their registered standing." Ibid., 96.
58. Legal Papers, Legal to Tory, Letter Book 1908-9, October 30, 1908, 174.

CHAPTER IV

RELATIONS BETWEEN BISHOP LEGAL AND THE RUTHERFORD GOVERNMENT DURING THE YEARS 1909 AND 1910

The last session of the first legislature in Alberta enacted no educational measures. A new legislature was elected on March 22, 1909, and the Liberal party again won an overwhelming majority taking thirty-seven of the forty-one seats. The only significant change in Conservative ranks was the election of R.B. Bennett to one of the Calgary seats. Legal made only a passing comment regarding the usual promises of various candidates, but schools were not an issue.¹

This chapter deals with the years 1909 and 1910, and church-state relations in education are treated under the following headings: (1) Catholic textbooks; (2) religious instruction; (3) high schools; (4) transfer of Quebec normal certificates; (5) a Roman Catholic university college; (6) the School Attendance Act; and (7) amendment of the Assessment Act.

1. Catholic Textbooks

During a meeting of three Roman Catholic bishops of western Canada, Langevin of St. Boniface, Legal of St. Albert, and Pascal of Prince Albert, the problem of Catholic readers and history texts for Catholic schools was discussed.² Legal was willing to accept the

optional readers proposed by the Department of Education, but he also wished to see the Gilmore Series of Readers or the Ontario Catholic Readers made optional. Practice recognized only the Dominion Readers as optional for Roman Catholic schools.³

In October 1909, Legal mentioned his concern to Attorney-General Cross and in December his concern crystallized into positive action.⁴ With a suitable history of England the most pressing problem, Legal wrote Rutherford and asked that an acceptable Catholic history text be placed on the approved list of optional textbooks.⁵ Legal promised to send Rutherford some samples as soon as they became available. Mindful that the principal of the Ottawa Normal School had indicated that the history texts used in England were far superior to those in Canada, Legal contacted Rev. F. Dawson in London, England, about the matter.⁶ From J.D. Sadlier in Montreal, Legal ordered a copy of the history of England used in the Catholic schools of Ontario and requested to examine the Christian Brothers' History of England and Lingard's History of England.⁷ From Benziger Brothers, he ordered a history of England used by the Catholic schools in the United States.⁸ Legal's aim was to get the best Catholic text to supplant the approved text in Catholic schools.

Beck was also working on the same problem and on January 22, 1910, the Educational Council passed a resolution substituting the Canadian Catholic Readers for the Dominion Readers.⁹ Having failed to contact Rutherford in Edmonton, Legal wrote him a personal letter indicating that Beck was prepared to discuss new readers and a new history text.

In Legal's estimation the books submitted were "fair in reposition of the facts and not in the least aggressive."¹⁰ There was, however, no change in textbooks in 1910. Standards I-V continued to use Duncan's Canadian People and Symes and Wrong's English History. Buckley and Robertson's High School History was approved for Standard VI. Likewise the Dominion Readers remained the sole alternative for Roman Catholic separate schools.

2. Religious Instruction

In October 1909, Legal raised the question of religious instruction with Attorney-General Cross, who offered to set up a meeting with the minister of education on this and other Catholic school grievances.¹¹ Legal met with Rutherford and as a consequence of their conversation drew up a memorandum which he forwarded in December.¹² He agreed that in those areas where Catholic and Protestant children attended the same school, the last half-hour for religious instruction was the only practical solution. However, where the population was entirely Catholic, any other half-hour during the school day would be a preferable alternative. Legal desired school regulations to provide for this option. The regulations were not changed and the subject was not mentioned again during the next two years.

3. High Schools

In 1907 Rutherford had failed to dissuade Legal from creating separate high schools.¹³ Catholics had enjoyed the right to their own high schools during the territorial period and Legal was determined

to maintain their right. On January 25 Legal and Therien visited Attorney-General Cross. He was of the opinion that the School Ordinance did not allow separate schools to organize beyond Standard V, but counselled Legal to consult with Beck. That afternoon they saw Beck, who readily admitted that he had not studied the high school question sufficiently in order to give a definitive answer. Legal speculated that ". . . puisque nous avons exercé ce droit, je ne vois pas comment on pourrait nous l'ôter à présent."¹⁴ In November 1908, at a meeting of the Educational Council, Beck voiced the opinion that the separate school system extended to the university.¹⁵ This notion was assented to by all the members present. Furthermore, since several subjects in the high school curriculum touched on religion, all agreed that it was necessary to have both points of view, Protestant and Catholic, adequately represented in the school library.

Legal was relieved to learn that pupils at Calgary attended the separate schools up to Standard VIII.¹⁶ He was disturbed to think of Catholic students under Protestant teachers:

Le High School comprend le Standard VI, VII & VIII. Or, ces trois derniers standards font encore partie de ce qu'on appelle L'enseignement primaire, et la loi scolaire nous garantit un système d'écoles séparées pour tout l'enseignement primaire. Donc, nous ne devons pas renoncer à ce droit, mais . . . que l'enseignement de ces trois standards, dans l'écoles ou nous pouvons le donner soit reconnue par le Gouvernement sans qu'on oblige nos enfants à aller sous le contrôle de maîtres protestants pour ces derniers standards.¹⁷

The attempt to take over the role of the separate high school by the public school was "parfaitement inconstitutionnel." "Ici, . . . devant

mes objections on n'a voulu rien entreprendre, mais on me dit qu'ils attendent pour voir comment la chose va être décidé & réglée dans le Saskatchewan."¹⁸

4. Transfer of Quebec Normal Certificates

In October 1909, newspapers in Saskatchewan published articles proclaiming that the Department of Education had adopted resolutions which would admit normal school graduates from Quebec into the teaching profession in Saskatchewan.¹⁹ Elated by this turn of events in the neighbouring province, Legal informed Therien that he had taken up the question with Alberta's attorney-general. "J'ai vu," he wrote, "une lettre de M. Turgeon à Mgr. Pascal qui confirme le tout."²⁰ In a memorandum to Rutherford, Legal asked the following: "I wish that your government would go as far in that direction as the government of the Province of Saskatchewan."²¹ To assure himself that the news had reached Quebec, Legal contacted the normal school in Laval expecting to attract teachers to Alberta: ". . . je désire que beaucoup de vos jeunes gens viennent nous prêter le concours de leur savoir"²²

Efforts to have Quebec diplomas accepted in Alberta were not limited to Legal alone. The Educational Council, on the initiative of N.D. Beck, passed a resolution in January 1910, requesting that the following diplomas from educational institutions in Quebec be recognized by the Alberta Department of Education:

- (1) Model School Certificates from the Province of Quebec obtained as a result of a full course of Professional training in one of the

following recognized Normal Schools, namely, -- Laval, Jacques-Cartier, Rimouski, Chicoutimi, Three Rivers, Nicolet, Valleyfield and Hull -- Second Interim.

(2) Academy Diplomas from the Province of Quebec obtained as a result of a full course of Professional training in one of the recognized Normal Schools, namely -- Laval, Jacques-Cartier, Rimouski, Chicoutimi, Three Rivers, Nicolet, Valleyfield and Hull - First Interim.²³

The resolution specified further that all acceptable certificates had to be dated after 1896. The applicant's English language proficiency had to be attested to by the principal of the normal school which he attended and subsequently certified by an Alberta provincial inspector. No consideration would be given to applicants holding only elementary diplomas. The Council resolved to request the Department of Education to investigate other educational institutions outside the province to extend the list of diplomas accepted by the Department.²⁴ Assured that he had the support of the Educational Council, Legal wrote Rutherford again, asking for parity with Saskatchewan in the matter of transfer of certificates.²⁵ Negotiations were cut short by the resignations of both Rutherford and Cross from the government and did not resume until June 1912.

5. A Roman Catholic University College

The Bill proposing to establish a provincial university in Alberta was introduced at the first session of the first legislature in 1906. While in Ottawa, Beck learned that the Jesuit order was interested in opening a Catholic college in Alberta and relayed the news to Bishop Legal. Legal wrote Rome about the intentions of the

Oblate order in the matter and concluded that: "Quant à entreprendre un collège universitaire à Edmonton, je pense bien que La Congregation des Oblats n'y songe pas" ²⁶ He therefore resolved to take up the Jesuit offer with the provincial administration of the Congregation. Negotiations with the Jesuit order dragged on for two years until, by 1908, Legal lost patience and threatened to invite other orders to establish a college in Edmonton. ²⁷

In November 1908, Beck advised Legal that in place of a Catholic university, the building of a university "Hall" or "College" on the plan of Oxford or Cambridge, would be more suitable. ²⁸ Catholic students, under ecclesiastical supervision, would be members of the provincial university and, at the same time, assured of a Catholic environment for their studies. He was convinced the legislature would never permit the establishment of a Catholic, or for that matter, any degree conferring university, other than the University of Alberta. ²⁹ He surmised that it would be impossible for a Catholic university to compete with a provincial university supported out of provincial revenues. Legal agreed that this was the best alternative and his main concern thereafter would be to provide the building funds. ³⁰ Land was made available on the university grounds for a Catholic college, and Legal again invited the Jesuit order to undertake the work. ³¹

In the summer of 1910, Beck informed Legal that the Benedictine order from England was interested in setting up a Catholic college. Legal stalled in the hope of getting the Jesuits to participate. He

also invited the Basilian Order from Toronto, an English-speaking congregation, to scout the possibilities.³² In 1911 Legal finally invited the Benedictines and asked the abbot to send observers to the province to evaluate its potential.³³ Legal envisioned an English-speaking college in Calgary and a French-speaking one in Edmonton. Whether he was influenced by the incorporation of Calgary College in 1910 is not clear.³⁴ The Benedictines arrived in April 1912, and resolved to go ahead with the project. In the same month, the Jesuits agreed to begin construction of a Catholic college in Strathcona - but not on university grounds. Legal's elation disappeared when Bishop McNally, first bishop of the Diocese of Calgary, in one of his first acts, cancelled the Benedictine College.³⁵ Legal gave his formal blessing to the Jesuit College in January 1914; it was bilingual, teaching to the grade XII level.³⁶ It was not until 1926 that the present St. Joseph's College began as a Catholic affiliate of the University of Alberta.

6. The School Attendance Act

The School Attendance Act, passed in 1910, took cognizance of the religious practices of those Catholic children who attended public schools. The law allowed the child of Catholic parents to be absent from school on the prescribed holy days of the church, without penalty. Furthermore, the Act stipulated that parents were entirely free to send their children either to a public or to a separate school.³⁷ Legal did not note the appearance of the Act in his correspondence. There were more pressing issues demanding his attention.

7. Amendment of the Assessment Act

In February 1910, Beck informed Legal that the Educational Council had passed a resolution which recognized "the ineffectiveness of the Sections as they now stand" with regard to the taxation of companies for separate school purposes.³⁸ Chapter 30 of the Ordinance of 1901 permitted a company to direct all or a proportion of its taxes toward the separate schools on the basis of the proportion of stocks or shares held by Roman Catholic and Protestant shareholders.³⁹ Legal felt that company taxes should be divided not on the basis of the "religious faith of the shareholders" but "the proportion of the number of catholic or protestant children, in the locality."⁴⁰ He reasoned that if companies made profits from the community at large then, "it is only fair and reasonable that those taxes be distributed as far as possible between the customers so that they would patronize equally or proportionally all the institutions of their customers as they are patronized themselves by the institutions and private individuals of the whole community."⁴¹

Beck drew up an amendment for a more equitable distribution of company taxes.⁴² In the event that a company "failed to give notice" on the distribution of taxes according to the proportion of its shareholders, then the school taxes payable by a company would be divided between the public and separate schools "in shares corresponding to the total amount of the assessed value of lands assessed to individuals for Public School purposes and the total amount of the assessed value

of lands assessed to individuals for Separate School purposes respectively." Unless a company complied, its taxes would be paid to the public school district which would in turn distribute a share to the separate school district on the basis of land assessment of public and separate school supporters.

On the basis of the distribution provided for in the 1901 Ordinance, Legal complained to Rutherford that "it was practically impossible to get anything for the support of separate school [sic]."⁴³ Beck's clause, Legal felt, would assure that a "proper and reasonable" proportion of the taxes would be directed toward the separate school. Beck had spoken to R.B. Bennett⁴⁴ and had been assured that Bennett would not oppose the amendment, if it were introduced in the legislature. Rutherford had only to support the measure and its passage would be secured. Legal had sent a copy of the amendment to Attorney-General Cross and no opposition was expected from that quarter. Legal was pleased with Beck's initiative: "I thank you very much for your interest in all matters connected with our religious rights."⁴⁵

To be more certain of the passage of the amendment, Legal sought out Rutherford in Edmonton but, failing to contact him, wrote of his anxiety.⁴⁶ The amendment was adopted at the second session of the second legislature and appeared word for word as Beck had composed it.⁴⁷

Conclusion

Legal's attempt to introduce optional readers and history texts, and to change the time for religious instruction met with no success.

Suspicion was aroused when overtures were made by the Alberta government to assume complete responsibility for high schools as in Saskatchewan. On the other hand, Legal was pleased Saskatchewan had accepted Quebec normal school certificates and endeavoured to have Alberta do likewise. The effort to establish a Roman Catholic university college affiliated with the provincial university was stillborn, but modification of the Assessment Act in conformity with the wishes of the Catholic minority was successful.

1. Legal Papers, Legal to Brasseul, Letter Book 1908-9, March 22, 1909, 660.
2. Ibid., file no. 8, Reunion of 29 March 1909.
3. Annual Report of the Department of Education, 1908, 97.
4. Legal Papers to Therien, Letter Book 1907-9, October 31, 1909, 410.
5. Ibid., Legal to Rutherford, personal, Letter Book 1908-9, December 9, 1909, 1040.
6. Ibid., Legal to F. Dawson, Letter Book 1908-9, December 9, 1909, 1036.
7. Ibid., Legal to J.D. Sadlier, Letter Book 1908-9, December 9, 1909, 1042.
8. Ibid., Legal to Benziger Brothers, Letter Book 1908-9, December 9, 1909, 1044.
9. The Council recommends that the list of authorized text books Standards I-V, be amended by striking out "The Dominion Readers First (Part I. Part II) and Second - these are optional for Roman Catholic Separate Schools;" and by substituting: "As optional to the foregoing the Canadian Catholic Readers subject to the power of the Department of withdrawing the right of using such optional books from any particular school." Ibid., Beck to Legal, file no. 26, February 11, 1910.
10. Ibid., Legal to Rutherford, personal, Letter Book 1910-11, February 17, 1910, 225.
11. Ibid., Legal to Therien, Letter Book 1907-9, October 31, 1909, 410.
12. Ibid., Legal to Rutherford, personal, Letter Book 1908-9, December 9, 1909, 1040.
13. Legal Papers, Oblate Archives, Edmonton, file no. D-I-620, January 16, 1907.
14. Ibid., January 25, 1907.
15. Legal Papers, Beck to Legal, file no. 8, November 5, 1908.
16. Ibid., Legal to Rd. Soeur Tarcienne, Letter Book 1908-9, September 1, 1909, 1006.

17. Ibid., Legal to H. Lacoste, Letter Book 1908-9, August 25, 1909, 989.
18. After 1907 the view that separate school rights extended to the secondary level was not recognized in Saskatchewan. There was nothing equivalent in Alberta to Saskatchewan's Secondary School Act of 1907 which restricted Catholic education to the elementary schools. Archbishop Langevin had conversed with Premier Scott regarding the Act, but did not demand special privileges for Roman Catholics (Sissons, 290).
19. From Rev. Bérubé of Vonda, Saskatchewan, Legal learned that normal school diplomas would become acceptable at par in Saskatchewan. Bérubé was notified of the conditions laid down by the Department of Education by the Attorney-General of Saskatchewan, Adam Turgeon. The full text of the letter from Turgeon to Bérubé is printed in Arthur Savaète, Les Ecoles du Nord-Ouest Canadien, 437-8. It specified which Quebec normal schools were recognized in Saskatchewan, the standing accorded their diplomas, and the requirements in English language proficiency and length of service before the certificates became permanent.
20. Legal Papers, Legal to Therien, Letter Book 1907-9, October 31, 1909, 410.
21. Ibid., Legal to Rutherford, personal, Letter Book 1908-9, December 9, 1909, 1040.
22. Ibid., Legal to G. Rouleau, Letter Book 1910-11, January 8, 1910, 20.
23. Ibid., Beck to Legal, file no. 26, February 11, 1910. A note in Beck's handwriting states: "Passed by the Council, Jan. 22/10."
24. Ibid.
25. Ibid., Legal to Rutherford, personal, Letter Book 1910-11, February 17, 1910, 225.
26. Ibid., Legal to N. Dozois, Letter Book 1905-7, March 29, 1906, 453.
27. Ibid., Legal to Lecompte S.J., Letter Book 1907-8, July 7, 1908, 132. "Si vous ne trouviez pas en mesure de rien commencer dès cette année, je crois que je serai obligé, mon grand regret, de m'adresser a quelqu'autre communauté qui s'occupe également de l'enseignement dans les collèges, car nous ne pouvons différer plus longtemps d'agir de façon à repondre à la nécessité qui s'impose" (ibid).

28. Ibid., Beck to Legal, file no. 26, November 5, 1908. Beck was as interested in the provincial university as Rutherford himself. "M. Beck . . . me montre une volumineuse correspondance touchant l'Université et la manière d'en agir avec nos jeunes gens." Legal was undecided: "C'est une grosse question sur laquelle je ne suis pas disposé encore à prendre une décision." Legal Papers, Oblate Archives, Edmonton, file no. D-I-624, April 30, 1909.
29. In 1906 Legal inquired whether the University of Ottawa would accept students graduating from Alberta schools as fulfilling the requirements for entrance to the university. He noted that the University of Toronto was willing to accept their graduates, but "of course we would prefer to have our catholic pupils graduating from a catholic University rather than from a protestant one" (Legal Papers, Legal to Murphy, Rector, University of Ottawa, Letter Book 1906-7, August 22, 1906, 48).
30. Ibid., Legal to Beck, Letter Book 1907-9, October 9, 1909, 387.
31. Ibid., Legal to Lecompte, Letter Book 1907-9, December 11, 1909, 442. "Je désire sincèrement que ce soit vous qui veniez occuper le poste si important auprès de notre Université Provinciale."
32. Ibid., Legal to F. Powell (St. Michael's College, Toronto), Letter Book 1910-11, October 21, 1910, 808.
33. Legal may have waited until this time to assure control of the college by French interests. The reluctance of the Jesuits and the changing ratio of French-English (including other language groups who were learning English) Catholics, especially in the southern part of Legal's diocese, may have led him to consider a partition of the province into French and English language areas.
34. Statutes of Alberta, 1910, I Geo. V, c. 35: "An Act to Incorporate Calgary College."
35. Legal Papers, Legal to Beck, Letter Book 1913-14, October 1, 1913, 774. Legal was crushed by the decision. "I would ask you, if you have any influence with Bishop McNally to try to avert, if possible, what I would consider a calamity not to the Diocese of Calgary alone, but to all the North-West" (ibid.).
36. Canadian Annual Review, 1914, 667.
37. Nothing in this Act shall be held to require the child of a Roman Catholic who is a separate school supporter to attend a public school or to require the child of a public school supporter to attend a Roman Catholic separate school.

(2) No penalty shall be imposed in respect to the absence of a child from school on a day regarded as a holy day by the church or religious denomination to which such child belongs.

Statutes of Alberta, 1910, I Geo. V, c. 8, s. 17.

38. Legal Papers, Beck to Legal, file no. 26, February 10, 1910.
39. Ordinance of the North-West Territories, 1901, c. 30, s. 9.
40. Unmarked file, no date and unsigned, but in Legal's handwriting.
41. Ibid.
42. Legal Papers, Beck to Legal, file no. 26, (received) February 11, 1910.
43. Ibid., Legal to Rutherford, personal, Letter Book 1910-11, February 17, 1910, 225.
44. R.B. Bennett, Conservative member for Calgary, was leader of the opposition in the legislature.
45. Legal Papers, Legal to Beck, Letter Book 1910-11, February 24, 1910, 263.
46. Ibid., Legal to Rutherford, Letter Book 1910-11, March 23, 1910, 373.
47. Statutes of Alberta, 1910, I Geo. V., c. 6, s. 55.

CHAPTER V

RELATIONS BETWEEN BISHOP LEGAL AND THE SIFTON GOVERNMENT, 1910 - 1913

This chapter deals with events up to the third election in Alberta on April 7, 1913. Legal's relations with the Sifton ministry are treated under the following headings: (1) downfall of the Rutherford administration; (2) committee for the revision of the program of studies; (3) rejection of Sir Walter Scott's "Marmion"; (4) religious instruction; (5) Roman Catholic separate high schools; (6) agitation in the Calgary Normal School; (7) transfer of certificates from Quebec; (8) appointment of a Catholic French-Canadian to the inspectoral staff in Alberta; (9) erection of separate school districts; (10) teaching of a primary course in French; (11) demise of the Educational Council.

1. Downfall of the Rutherford Administration

The provincial Liberal party had won an overwhelming majority in the elections of 1909. In 1910, however, the party split over the arrangements made to finance the Alberta and Great Waterways Railway Company. Premier Rutherford was opposed by a large section of his own party and on March 14 set up a royal commission to investigate the railway company and clear the air of charges of corruption involving government ministers. When the House reassembled on May 26 to hear the report, it was not ready. Rutherford resigned and Lieutenant-Governor

Bulyea called upon Arthur L. Sifton, Chief Justice of Alberta, to form the new government. While the royal commission report exonerated Attorney-General Cross, he was not included in the Sifton ministry and Charles Richmond Mitchell, member from Medicine Hat, was named Attorney-General and Minister of Education. When Sifton reshuffled his ministers on May 4, 1912, Cross returned to his former position as Attorney-General and John Robert Boyle became the new Minister of Education.

The fall of the Rutherford government presented Legal with the prospect of establishing the good relations he had developed with the previous administration. His first reactions were not favourable. "Je vous avoue," he wrote to Father Therien, "je ne suis pas prévenu favourablement envers le nouveau premier ministre."¹ Legal promised to bide his time and decide on a course of action after he had studied the new members. He was particularly disturbed that Cross had not been renamed to his post. In a memorandum to Prime Minister Laurier, he praised Cross as being "un homme juste . . . & capable, peut-être trop capable."² In Legal's mind, Cross' close association with Father Therien may have caused his downfall:

Je ne sais si je me trompe, mais j'ai pensé une chose, il pourrait bien se faire que les bonnes dispositions de l'ancienne administration en notre faveur et que votre amitié avec Cross en particulier aient été une des principales causes du renversement du gouvernement. Cette raison naturellement on ne la donnera pas en public.³

2. Committee for the Revision of the Program of Studies

In 1912 the Department of Education reported that a committee had been named to revise the program of studies in Alberta schools, as changes had been implemented in the previous two years which resulted

in some confusion during the transition period.⁴ Legal was aware that changes were forthcoming and had prepared a list of history texts and readers which he submitted to the committee. The history texts for the elementary schools were the History of England for the Young, an Introduction to English History, the Granville History Readers, Sadlier's History of England, Outlines of English History and Outlines of Canadian History. For secondary schools, he recommended the History of England by Lingard and the History of England by the "author of the Knights of St. John."⁵

Legal determined to follow events closely. He asked Beck whether he was a member of the committee, as he understood that, of the five members appointed, two were to be Roman Catholic.⁶ Beck replied that Catholic interests were represented by two teachers from the Edmonton separate schools, one of whom was Julian J. LeBlanc. He had advised them ". . . that they should fight for the Catholic readers and the Catholic history, but that if they can't secure both, you [Legal] would prefer to get the history and I have advised them if they get neither, to resign by way of protest."⁷ However, the changes in texts made by the committee did not take into account any of the suggestions offered by Legal. The Dominion Readers remained the sole option for Roman Catholic separate schools. Symes and Wrong's English History and Buckley and Robertson's History of England were required reading at the elementary and secondary level respectively.⁸

3. Rejection of Sir Walter Scott's "Marmion"

When he learned that Scott's narrative poem "Marmion" was part of

the English course in Grade 10, Legal wrote Boyle stating that the work was objectionable to Catholics since it ridiculed monks and nuns and the pious devotions of the Catholic church.⁹ Certain situations in the book would have to be explained "by protestant teachers ignorant of the religious practices and beliefs of the Roman Catholics."¹⁰ There were many other poems of equal literary merit, and Legal urged that the offending poem be removed from the curriculum and another substituted. Boyle assured Legal that the poem would be replaced,¹¹ but Legal insisted that the substitution be made "without delay."¹² In early October 1912, Boyle informed Legal that The Lady of the Lake was the alternate choice of the Department and that all principals in the province had been so notified. Legal was pleased with this cooperation and declared the work "perfectly satisfactory."¹³

4. Religious Instruction

Legal explained to the new Apostolic Delegate to Canada, Monseignor Pelegrino Stagni, that the schools in Alberta, although classed as neutral, were, in reality, Protestant. Catholic children had to attend these schools when there was no opportunity to set up a separate school. However, in the public schools, the Protestant religion was not taught ex professo, except in the last half-hour of the school day. "De fait, vue la diversité des Sectes, le plus souvent cette dernière demi-heure n'est point utilisée pour l'enseignement de la religion."¹⁴ In a separate school, however, religion was taught in the last half-hour and, if Protestant children were present, they were

permitted to leave.

As stated previously, Legal was dissatisfied with this state of affairs. He was not willing to have the law changed nor was he content with the status quo. It would have been dangerous to tamper with the law; consequently, Legal hoped to have a regulation introduced which would grant the desired changes and yet maintain the spirit of the law. The law, Legal noted in his letter to the Attorney-General of Saskatchewan, was made for mixed classes, where all the children were of different faiths.¹⁵ But in the special case, where all children were of the same faith, Legal desired the right for the Board of Education to permit religious instruction in any other half-hour, in place of the last one. Legal indicated that he had to wait in order to have the necessary changes implemented. "J'[avais] quelque espoir d'obtenir ce point quand notre gouvernement est tombé."¹⁶ In the meantime, he urged Attorney-General Turgeon to get the regulation passed in his own province.

In June 1912, one month after Premier Stifton had shuffled his cabinet, Legal wrote to the new Minister of Education, J.R. Boyle.

Among the grievances presented was the following:

I think it would ease the conscience of many, and obviate to the objection of others if there were such a clause in the Regulations of the Board of Education, like this: "Although the last half-hour is the only time when Religious instruction can be imparted, yet, in schools where all the pupils belong to one and the same religious denomination, it will be lawful for the trustees of said schools to appoint any other half-hour, during the day, in place of the last half-hour for religious instruction."¹⁷

Boyle replied that he would look into the matter, but made no promises.¹⁸

5. Roman Catholic Separate High Schools

When the public school system in Saskatchewan assumed exclusive control of high school education, apprehension was heightened among the Catholic clergy in Alberta regarding their own schools. Legal explained his impression of government tactics in these terms:

Quant aux élèves de 6°, 7° & 8° Standards . . . Le "High School", c'est la politique du Gouvernement d'en faire une classe à part, et de nous décider à les laisser suivre de l'Ecole Publique, avec notre consentement d'abord, puis ensuite malgré nous & contre nos protestations. Le High School . . . fait partie du cour primaire, & nous avons droit à les écoles séparées pour tout le cour primaire, et par conséquent même pour les standards 6, 7 & 8, ou High School. Et il faut y tenir tant que nous pourrons.¹⁹

Because attendance of Catholic children at public high schools would reduce their numbers in separate high schools, Legal reserved the right to excuse Catholic children from the separate schools. "Je me reserve" he wrote a nun in Red Deer, "pour les enfants catholiques, de décider le cas & de donner ou refuser la permission."²⁰ Legal's proscription was extended to refusing the sacraments of the church to those parents who disregarded his counsel.²¹

6. Agitation in the Calgary Normal School

Legal complained to Premier Rutherford in 1909 about the teaching of "agnostic views and principles" by Principal W.H. Thompson of the provincial normal school.²² He claimed that his sources concerning this accusation were both Protestant and Catholic. "I hope this objectionable feature will not occur again, so there is no reason for it specially on the occasion of pedagogical training. Otherwise we would insist on

having our own separate normal schools."²³ Two months later, in February 1910, Legal warned Rutherford that the principal had "indulged again in his theories and has profited by his lectures, at the last session, to insinuate some agnostic views."²⁴ Nothing more was heard of these complaints until 1912.

Therien informed Legal that he had received news that a member of the Calgary Normal School staff, J.E. Loucks, had made sarcastic remarks about the Catholic religion. Also, during a meeting of the school's literary society certain statements had been made regarding the Catholic church, and Inspector Fife ". . . felt bound to say some words in order to show that he did not approve of the proceedings."²⁵ Furthermore, during Loucks' lectures "church and church people do not fare much better." Legal suggested that Loucks be advised that his position as a public servant did not give him the right "unjustly and injudiciously to hurt the feelings of a part of the population."²⁶ Boyle appointed John Ross, Chief Inspector of the Department of Education and Dr. E.W. Coffin, Principal of the Normal School, to make an inquiry. He assured Legal that there would be a complete investigation.²⁷

To ascertain all the facts, Legal wrote to Calgary and insisted on statements from the parties who had made the complaints.²⁸ Boyle had received the reports of his subordinates on November 4 and informed Legal of his findings on November 19.²⁹ Loucks had said in class ". . . that the Separate Schools were not doing as good work as the Public School." The remark was made lightly and "immediately after regretted

by the speaker." Furthermore, the reports stated that "nothing derogatory has been said by any Inspector regarding the Roman Catholic Church." Since no information was forthcoming from the nuns who had made the complaint, Legal reprimanded them:

Je crois bien en effet, qu'il n'y avait rien de bien sérieux dans les plaintes des soeurs contre le professeur Louks [sic]. Ces mères . . . devaient se montrer un peu plus circonspecte après avoir fait un charge de cette nature.³⁰

Legal apologized to Boyle and recommended that the whole incident be forgotten.³¹

7. Transfer of Certificates from Quebec

Legal had received no satisfactory answer from the Ministers of Education, Rutherford and his successor Mitchell, regarding the transfer of certificates from Quebec. In June 1912, Legal brought Boyle up to date regarding previous negotiations and named the normal schools of Quebec whose certificates were recognized by the Saskatchewan government viz., Laval, Jacques-Cartier, Rimouski, Chicoutimi, Three Rivers, Nicolet, Valleyfield and Hull.³² In Saskatchewan holders of model school diplomas from Quebec received second class interim certificates and holders of academic school diplomas received first class certificates. After a year's probation and a satisfactory report of the inspector, the interim certificates became professional. Legal wished to see this same procedure applied in Alberta. Boyle promised to consider the request, but would not commit himself to any firm decision.³³

Such a project might well have attracted teachers to Alberta,

although Legal was none too optimistic: "To supply the increasing demand, between three and four hundred trained teachers are required yearly to maintain the necessary teaching force of the province, and at least half of these must be obtained from Great Britain and the eastern provinces of Canada."³⁴ Circulars had been sent out by the Department of Education informing teachers of the requirements necessary to enter the profession in Alberta. The policy was that "every individual case is dealt with on its merit."³⁵ There was no blanket coverage for any special group, although teachers from Great Britain and, later, the United States received consideration for past experience. They were given a short course lasting approximately one month and then allowed to teach.³⁶

8. Appointment of a Catholic French-Canadian to the Inspectoral Staff in Alberta

Legal was vexed by the problem of finding a suitable candidate for the position of Inspector within the provincial Department of Education. To be entirely satisfactory, the right man would have proper command of the French language. Legal was suspicious of English-speaking Protestant teachers and officials because they could not be wholly impartial in their evaluation of Catholic school practices.³⁷ However, the rapid expansion of educational facilities within the province necessitated an increase in the inspectoral force, and in 1910 the first eligible candidate presented himself for the position.

On Legal's recommendation, Julian J. LeBlanc applied to the

Deputy Minister, D.S. MacKenzie.³⁸ LeBlanc had received a B.A. degree from St. Anne's College in Nova Scotia, a degree which was recognized in Alberta. He had taught for three and a half years in Alberta and had received his First Class certificate. Previously, he had been employed as a teacher in Nova Scotia for several years. At the time he applied, he was a teacher in St. Joachim Roman Catholic separate school. In 1911 he was one of two Catholic members appointed to the committee for the revision of the program of studies. On two occasions he had written Legal, keeping him up to date on the progress of the committee.³⁹

In December 1911, Legal proposed two men for the inspectorate, one of whom was J.J. LeBlanc. He addressed himself to the Minister of Education in the following terms:

It has been the wish of Catholics, for a long time, to see one of their number appointed as school inspector, and now that the inspectors are already numerous, it would be a gratification to us to see at least one catholic on the board of school inspectors, and I hope you will see your way make [sic] the appointment.⁴⁰

But while C.R. Mitchell was Minister of Education no such appointment was made. However, when Sifton rearranged his cabinet, J.R. Boyle succeeded to the Education portfolio in May 1912.

The following month, Legal sent a memorandum to Boyle which included matters discussed during their conversation on June 18, 1912. Among the various items, he included the desire for the appointment of a Catholic inspector. Legal was willing, now, to forego the French language requirement, if, at a later date, some other inspector with

this added qualification could be found. Julian J. LeBlanc, however, was named to the post in 1912 and assigned to the Onoway Inspectorate.⁴¹ In 1916 he was transferred to the St. Paul Inspectorate and in 1918 to the Sturgeon Inspectorate. Persistence finally had its reward, but there is no indication what Legal's feelings were concerning the appointment.

9. Erection of Separate School Districts

The School Ordinance of 1886 stated that a separate school district could be established only after a public school district had been organized. Section 41 of the School Ordinance of 1901 read:

The minority of the ratepayers in any district whether Protestant or Roman Catholic may establish a separate school therein, and in such case the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof.⁴²

In 1910 Legal questioned the interpretation of the Ordinance. "I have been, until now, under the impression," he wrote Beck, "that the school law allowed the erection of a Separate School district, especially in the Country, with limits altogether different from any of the public school districts already in existence by taking part of two or more of the school districts."⁴³ On the other hand, the Deputy Minister of Education, D.S. MacKenzie interpreted the relevant section as implying that the "limits of the projected separate school district must be the same as those of one public school district."⁴⁴ This, to Legal, was too narrow an interpretation of the text and not in keeping with the spirit of the law. Separate school development was hampered by the Ordinance

and Legal sought to alter it.⁴⁵

Beck agreed with the interpretation of the Department of Education. He reasoned that "in as much as 'district' is in Sec. 2, SS. 5⁴⁶ defined as to mean school district, I have no doubt that the construction put by the department in S. 41 is correct."⁴⁷ Beck's private opinion was that the Deputy Minister was opposed to separate schools and would try to "crush [any] amendment." Also, making the separate school districts coterminous with public school districts was more convenient and involved less work for the Department. If, in spite of Beck's advice, Legal wished to pursue the matter further, he suggested the following amendment:

The School Ordinance is hereby amended by striking out of section 41 the words: "The minority of the ratepayers in any district whether Protestant or Roman Catholic may establish Separate Schools therein;" and by substituting therefor the words: "The minority whether Protestant or Roman Catholic in any district or in any territory [referred] by the Minister lying partly within one or more districts whether or not it also includes lands not [compassed] in any existing district, may establish a separate school therein;" and by the inserture in section 43 the word "proposed."⁴⁸

With the resignation of Rutherford in May 1910, Legal lost the opportunity to have the amendment considered by a conciliatory administration.

Legal informed the Apostolic Delegate [Monseignor P. Stagni] that Catholics were taking advantage of the provision for erecting separate school districts as much as possible. However, only in the larger cities and places where there was a resident priest could separate schools remain firmly established.⁴⁹ In 1910 there were only 10 separate school districts in Alberta, compared to 1501 public school districts.⁵⁰ Legal

was pleased that the government had ceased referring to school districts as being Protestant or Catholic.

L'Ecole sera aussi Catholique qu'elle pourra l'être, si la majorité de la population est Catholique, et élu des commissaires catholiques. Mais quelquefois dans un district peu peuplé, la majorité peut changer de front; alors l'école pourrait s'appeler catholique et être de fait protestante, parce-que les commissaires seraient tous en majorité protestants. . . . et alors les catholiques auraient de la difficulté en ériger un district séparée vu qu'ils auraient déjà une école publique [nommée] catholique. Si l'école est appelé simplement publique ils peuvent se séparer dès qu'ils le veulent.⁵¹

When J.R. Boyle assumed the Education portfolio, Legal advised him of the Catholic view with regard to district organization,⁵² but Boyle merely indicated he would look into the matter.⁵³

10. Teaching of a Primary Course in French

Although the territorial Ordinance of 1892 made English the sole language of instruction in the North-West Territories, it did not specify what constituted a primary course in the French language, which it also permitted. Section 136 of the Ordinance of 1901 stated:

All schools shall be taught in the English language but it shall be permissible for the board of any district to cause a primary course to be taught in the French language.

(2) The board of any district may, subject to the regulations of the department, employ one or more competent persons to give instruction in any language other than English in the school of the district to all pupils whose parents or guardians have signified a willingness that they should receive the same, but such course of instruction shall not supersede or in any way interfere with the instruction by the teacher in charge of the school as required by the regulations of the department and this Ordinance.

(3) The board shall have power to raise such sums of money as may be necessary to pay the salaries of such instructors and all costs,

charges and expenses of such course of instruction shall be collected by the board by the special rate to be imposed upon the parents or guardians of such pupils as take advantage of the same.⁵⁴

According to George M. Weir,⁵⁵ any Minister of Education in Alberta can re-define what is meant by a primary course in French and, for this reason, the language issue is a source of potential trouble in the province. A primary course in French meant that, in the first year of schooling, French was used as the medium of instruction but oral English was included as a subject of study. In the second year, formal teaching commenced in English. From grades three through eight, French was taught one hour per day (from three to four o'clock in the afternoon), including the last half-hour set aside for religious instruction.⁵⁶ French as a language of instruction was not an issue beyond Standard V, although Legal insisted that the "cours primaire" extended to Standard VIII.

In April 1910, Langevin notified Legal of the interpretation placed upon section 136 by Saskatchewan's Attorney-General, A. Turgeon.⁵⁷ The section was composed of two distinct parts - the first part permitted the teaching of a primary course in French supervised by a teacher and authorized by the district board and the second part gave the district board the power to hire a "competent person" to teach a language other than English. The regulations regarding the teaching of foreign languages was applicable to the second part and had nothing to do with the teaching of a primary course in French. In the past, misguided inspectors had confused the two parts and had applied the regulations to all languages outside of English. Langevin concluded: "Tout ceci

prouve que notre pays n'est pas seulement An English speaking country mais aussi A French speaking country."⁵⁸

In December 1911, Legal wrote Turgeon expressing his own views on the matter.⁵⁹ Turgeon's interpretation applied to all schools and not only the separate schools of the province. And what was permissible in Saskatchewan was equally permissible in Alberta. Legal, therefore, advised Mother Greene in Calgary ". . . to be conciliating to the extreme limits of the possible as far as the teaching of french is concerned and to go even beyond the limits of the law, provided [you] get a written decision of the Board of Trustees."⁶⁰ Legal counselled the principal of the Pincher Creek school that French could be taught "even by a person not having a diploma."⁶¹ Two hours a day would be sufficient if the parents requested it. However, the teaching of English was not to be downgraded: "It is to be expected that those who study french will advance in english as those who study in english exclusively."⁶²

With the defeat of Laurier in 1911, agitation among French-Canadians for their own language and religion throughout Canada became more aggressive. Writing on the bicultural issues of the day, one author stated:

Les Canadiens n'ont pour continuer, qu'à considérer leur nombre, qu' à consulter leur courage et s'ils veulent ce qu'il faut, on leur accordera ce qu'on leur doit: la liberté religieuse et l'usage officiel de leur langue mise sur un pied d'égalité avec la langue anglaise, et pour tout le Canada.⁶³

Legal approved the formation of the Société du Parler Français in the parishes of his diocese in preparation for a congress to be held in

Edmonton on May 22, 1912.⁶⁴ His circular letter of March 31 warned against the growing animosity between the "races" and the continual harassment of nuns who taught French in the schools.⁶⁵ The congress was held in May with three bishops, Langevin, Pascal and Legal in attendance.⁶⁶ Legal was pleased with this display of episcopal solidarity.⁶⁷

11. Demise of the Educational Council

The two years 1909 and 1910 saw the most influential members of the provincial government working harmoniously with Bishop Legal. Within the Department of Education, the Educational Council was a viable instrument for educational reform. It had suggested new readers for the separate schools and approved the transfer of normal school certificates from Quebec. Undoubtedly, the most influential member of the Educational Council was Hon. N.D.Beck, Superior Court Justice of the Province of Alberta. All amendments, whether to the regulations of the Department of Education or to the Statutes of Alberta, were drafted by him on behalf of Catholic religious and educational interests. This Catholic layman was Legal's most trusted lieutenant in achieving Catholic aims.

Beck considered the examination and classification of books, not only for elementary and secondary schools, but also in the normal school and the university, to be a legitimate function of the Council. Because he realized his own limitations when confronted with educational problems, he recommended that an "educational expert" be appointed to the Council. He had spoken to Tory about the feasibility of employing professors with broad knowledge and sympathies at the university. He

recommended that, with the proper direction, the Educational Council could be an important instrument for the continual reform of the Alberta school system.⁶⁸ In September 1912, Beck informed Legal that he was ill and had been advised by his doctor to rest.⁶⁹ He had made arrangements to recuperate in the south of France. That same year the other Catholic member of the Council, E.H. Rouleau, died.⁷⁰ Legal waited until 1913 to begin looking for substitutes.⁷¹ He wanted two men, someone from the southern portion of the province and a French-Catholic, for "cette importante position."⁷² There is no indication that Legal's search was successful.

The ineffectiveness of the Council after 1912 and its non-inclusion in the plan of the Department of Education in 1919 suggest its virtual demise.⁷³ However, while N.D. Beck was a member of the Council, its usefulness to Catholic interests was firmly established.

Conclusion

While C.R. Mitchell was Minister of Education, Legal chose not to deal directly with the provincial government in educational matters. Among Catholic ecclesiastics and laymen, Deputy Minister D.S. MacKenzie had the reputation of being anti-separate school; consequently, little effort was made to curry his favour. When J.R. Boyle succeeded Mitchell, active correspondence between Legal and the provincial government resumed. The committee named to revise the program of studies, although it had two Catholic members, did not implement any of the changes with regard to textbooks that Legal desired. However, the narrative poem

"Marmion" was removed from the course of studies because it offended Catholic sensibilities. The time for religious instruction remained unchanged and Legal refused permission to Catholic parents to send their children to public high schools, threatening them with withdrawal of the sacraments of the church. Some Catholic teachers in normal school were sensitive to any suggestion impugning the scholastic achievement of their pupils. Also, the Department of Education made no special recommendation for teachers coming to Alberta from Quebec.

The first Catholic was named to the provincial inspectorial staff in 1912. The fact that he was also French-Canadian was a welcome sign to Legal. Agitation for greater use of the French language in all schools increased, the argument being that French and English were equally Canadian, while all other languages could be classed as foreign. Legal was dissatisfied with the restriction on the erection of separate school districts coterminous with public school districts, although the Ordinance remained on the books unchanged. When Beck became ill and Rouleau died, the Educational Council ceased functioning and Legal did not make any special effort to revive it.

1. Legal Papers, Legal to Therien, Letter Book 1910-11, June [18], 1910, 627.
2. Ibid., Memo à M. Laurier, Letter Book 1910-11, [n.d.], 731.
3. Ibid., Legal to Therien, Letter Book 1910-11, February 22, 1911, 946.
4. Annual Report of the Department of Education, 1912, 81.
5. Legal Papers, Legal to J.M. Gilmour, Letter Book 1911-12, May 4, 1911, 196.
6. Ibid., Legal to Beck, Letter Book 1911-12, May 6, 1911, 207.
7. Ibid., Beck to Legal, file no. 26, May 9, 1911.
8. No evidence was uncovered to indicate Legal's reaction to the changes implemented in 1912. Nor was there anything to indicate that the Catholic members resigned when their suggestions were not accepted by the committee.
9. Legal Papers, Legal to Boyle, Letter Book 1912-13, September 11, 1912, 411.
10. Ibid.
11. Ibid., Boyle to Legal, file no. 12, September 18, 1912.
12. Ibid., Legal to Boyle, Letter Book 1912-13, September 23, 1912, 465.
13. Ibid., Legal to Boyle, Letter Book 1912-13, October 7, 1912, 518.
14. Ibid., Legal to P. Stagni, Letter Book 1911-12, December 5, 1911, 463.
15. Ibid., Legal to Turgeon, Letter Book 1911-12, December 10, 1911, 475.
16. Ibid.
17. Ibid., Legal to Boyle, Letter Book 1912-13, June 19, 1912, 189.
18. Ibid., Boyle to Legal, file no. 12, June 22, 1912.
19. Ibid., Legal to Rev. Soeur M. Agathe, Letter Book 1910-11, February 27, 1911, 968.

20. Ibid.
21. Ibid., Legal to Lemarchand, Letter Book 1913-14, August 21, 1913. "Les enfants ou du moins celui des parents qui est responsable ne peut être admis aux sacrements" (ibid).
22. Ibid., Legal to Rutherford, Letter Book 1908-9, December 9, 1909, 1040.
23. Ibid.
24. Ibid., same to same, Letter Book 1910-11, February 17, 1910, 225.
25. Ibid., Legal to Boyle, Letter Book 1912-13, October 17, 1912, 567.
26. Ibid.
27. Ibid., Boyle to Legal, file no. 12, October 30, 1912.
28. Ibid., Legal to R. Dalton, Letter Book 1912-13, November 8, 1912, 620. Legal was perturbed by the suppression of religious institutes in France. He wished to sound out the views of the normal school teachers on such issues as "la question des instituts religieux au France," and "la persécution à laquelle ils ont été soumis récemment" (ibid).
29. Ibid., Boyle to Legal, file no. 12, November 19, 1912.
30. Ibid., Legal to Dalton, Letter Book 1912-13, November 30, 1912, 689.
31. Ibid., Legal to Boyle, Letter Book 1912-13, November 30, 1912, 691.
32. Ibid., Legal to Boyle, Letter Book 1912-13, June 19, 1912, 189.
33. Ibid., Boyle to Legal, file no. 12, June 22, 1912.
34. Annual Report of the Department of Education, 1911, 16.
35. Ibid., 15.
36. Ibid., 1913, 34.
37. Legal Papers, Legal to A. Lemarchand, Letter Book 1911-12, December 17, 1911, 502.

38. Ibid., J. LeBlanc to Legal, file no. 12, December 17, 1910.
39. Ibid., Legal to LeBlanc, Letter Book 1911-12, May 31, 1911, 82 and November 17, 1911, 389.
40. Ibid., Legal to The Honourable, The Minister of Education of the Province of Alberta, Letter Book 1911-12, December 16, 1911, 500.
41. Annual Report of the Department of Education, 1912, 7.
42. Ordinances of the North-West Territories, 1901, c. 29, s. 41.
43. Legal Papers, Legal to Beck, Letter Book 1910-11, April 8, 1910, 431.
44. Ibid.
45. Ibid.
46. The expression "district" means any school district erected or constituted as such at the date of the coming into force of this Ordinance and any school district hereafter erected as constituted under the provisions hereof; . . . Ordinances of the North-West Territories, 1901, c. 29, s. 2, ss. 5.
47. Legal Papers, Beck to Legal, file no. 26, April 9, 1910.
48. Ibid.
49. Ibid., Legal to Stagni, Letter Book 1911-12, December 5, 1911, 463.
50. Annual Report of the Department of Education, 1910, 18.
51. Legal Papers, Legal to A. Bérubé, Letter Book 1912-13, June 14, 1912, 181.
52. Ibid., Legal to Boyle, Letter Book 1912-13, June 19, 1912, 189.
53. Ibid., Boyle to Legal, file no. 12, June 22, 1912.
54. Ordinances of the North-West Territories, 1901, c. 29, s. 136.
55. Weir, 112.
56. Hochstein, 56.

57. Legal Papers, Langevin to Legal, file no. 8, [received] April 27, 1910. Langevin requested and received the interpretation placed upon section 136 in Saskatchewan from Turgeon.
58. Ibid.
59. Ibid., Legal to Turgeon, Letter Book 1911-12, December 10, 1911, 475.
60. Ibid., Legal to M. Greene, Letter Book 1911-12, January 6, 1912, 705.
61. Ibid., Legal to Rde. Soeur Angélique du S. Coeur, Letter Book 1911-12, February 14, 1912, 769.
62. Ibid.
63. Savaète, 465.
64. Legal Papers, Letter Book 1911-12, March 20, 1912, between nos. 890 and 891. The copy is unsigned but in Legal's handwriting.
65. Ibid., Circular no. 11, Letter Book 1911-12, March 31, 1912, 946.
66. "As in Saskatchewan, the bilingual situation in Alberta was of interest. The general question was not much discussed, however, in Alberta, and as in Saskatchewan, questions of race, language and religion were largely kept out of politics." Canadian Annual Review, 1912, 589.
67. Ibid., Legal to J. LeClaindre, Letter Book 1912-13, June 13, 1912, 149.
68. Ibid., Beck to Legal, file no. 8, September 23, 1909.
69. Ibid., same to same, file no. 26, September 27, 1912.
70. Annual Report of the Department of Education, 1912, 7.
71. Legal Papers, Legal to Dalton, Letter Book 1912-13, February [?], 1913, 996.
72. No evidence has been found regarding the nominees. Legal does not mention anyone in his correspondence and the Annual Report of the Department of Education ceased publication of the names of members of the Educational Council after 1912. Also, no evidence has been uncovered which might relate to the coincidence that a Catholic was named to the inspectorial staff in the same year that the Council became defunct.

73. Sparby rightly contends that the Educational Council lapsed into inactivity. In 1942 the statutory provisions for the Council were discontinued but not repealed (Sparby, 150). The need for an Educational Council has reasserted itself: "At the level of provincial organization another criticism, . . . namely, that subtle and perhaps unconstitutional changes had taken place in the composition of governmental policy-making bodies, and that as a result the Catholic population is no longer directly represented (as in past years) within the Department of Education. The implication is that such Catholic members as may be in the legislature provide inadequate representation for purposes of Catholic education. A further implication is that representatives acceptable to the Catholic church should sit on a specially constituted committee, or in the departmental offices, to safeguard the interests of the separate school system." Report of the Royal Commission on Education in Alberta, 1959, 268. The regulations of the Department of Education are ever open to review and criticism by the Educational Council, according to the 1901 Ordinance.

CHAPTER VI

RELATIONS BETWEEN BISHOP LEGAL AND THE PROVINCIAL GOVERNMENT, 1913 TO 1920

The nine sections which constitute this chapter are: (1) religious and political developments to 1920; (2) the textbook issue; (3) influence in public office; (4) Legal's opposition to voluntary schools; (5) certificates and diplomas; (6) the Truancy Act; (7) company assessment; (8) bilingualism in Alberta schools; and (9) federal control of education in Canada.

1. Religious and Political Developments to 1921

In the third provincial election in Alberta on April 7, 1913, the Liberals won a two to one majority over the Conservatives. They retained the majority through the election of 1917 to 1921, when they were defeated decisively by the United Farmers of Alberta. A.L. Sifton continued as Premier from 1913 to 1917, when he resigned to join the wartime Union government in Ottawa. Charles Stewart succeeded him and retained the position until 1921. J.R. Boyle held the Education portfolio until he was named Attorney-General in 1918, whereupon George P. Smith became Minister of Education. Although Cross was appointed to the Stewart cabinet, his uneasy relationship with the premier led to his expulsion in 1918.¹ While Legal encouraged support of the United Farmers among his priests and parishioners, he did not discuss educational matters with that organization.²

Bishop Legal became Archbishop of Edmonton in 1912. His former diocese was split and Rev. Thomas J. McNally became the first Catholic Bishop of Calgary when that diocese was created on February 9, 1913. Archbishop Langevin died in June 1915, and his coadjutor, Monseigneur A. Beliveau, became the new Archbishop of St. Boniface. In October of the same year, Legal was accorded an honorary Doctor of Laws degree from the University of Alberta. He became ill in 1917 and from that time forward was incapable of attending to educational matters with his customary vigour. Prevented from making his ad limina visit to Rome by the war, Legal made the trip in 1919, spending eight months on the continent. He died on March 10, 1920.³

2. The Textbook Issue

The Department of Education had not accepted Legal's suggestions regarding textbooks; therefore, Legal decided on a different approach. Instead of requesting a history of England exclusively for separate schools, he asked that a suitable text be made optional for public and separate schools alike. Besides avoiding the idea that such a proposal was a concession to Catholic interests, it had the added advantage that "if it were allowed for Catholic separate schools only, we would not be at liberty to adopt it in Public country schools, which are practically catholic in catholic centres."⁴ With regard to Symes and Wrong's History of England, Legal did not condemn it outright. Since students had to prepare for external examinations, a teacher was "parfaitement

autorisée" to use it with the proviso that "la maîtresse attire l'attention des enfants sur les points inexacts & peut même leur donner une petite rédaction très courte sur ces détails qu'ils pourraient insérer dans leurs livres."⁵ Moreover, in Winnipeg, some nuns were using Buckley and Robertson to prepare for examinations when they were perfectly free to choose a text by a Catholic author.

Reverend A.G. Morice, Catholic priest and author, sent his Manuel d'Histoire de L'Ouest Canadien to Legal for appraisal. Very much pleased by its contents, Legal was prepared to order two thousand copies on the condition that "on veut l'accepter dans nos écoles catholiques de ce seul Diocèse d'Edmonton."⁶ In 1914 Morice sent his Histoire abrégée de L'Ouest Canadien, which Legal read with "great interest." It was too late to have the book accepted as a text in Alberta, but Legal promised to take steps in that direction by interviewing the Minister of Education.⁷ In the meantime, he asked Father Morice to send copies of the book to the Catholic members of the provincial legislature, especially to Wilfrid Gariepy, Minister of Municipal Affairs, and also to Mr. E. Tessier, Superintendent of Separate Schools in Edmonton.⁸

3. Influence in Public Office

Having succeeded in placing a Catholic on the inspectorial staff, Legal tried to obtain important government positions for others. In September 1913, Legal contacted Boyle regarding the appointment of a "vice-principal" for the English School for Foreigners in Vegreville.⁹

He recommended Mr. N. Slanin, a well-educated person of Russian parentage, with a flair for languages. Because he was a Catholic, Slanin would be a desirable addition to a school in which Legal suspected the proselytizing efforts of Protestant denominations.¹⁰ He was surprised to learn that the recently opened school already had an Assistant, J.T. Maloney.¹¹ Unaware of this appointment, Legal sought more information and was pleased to learn that Maloney was an active member of the Catholic church.¹²

Heartened by the apparent change in attitude toward Catholics in government employ, Legal attempted to secure appointments to the sensitive area of ministerial administration. In 1914 Legal wrote Attorney-General Cross on behalf of Mr. George Smyth, requesting a position on his staff. Cross' curt reply indicated that no such vacancies were open and Legal declined to pursue the matter further.¹³ Nor did Legal press for another school inspector at this time, as he felt the moment inopportune. However, through the good offices of Catholic members of the government, he was confident that other appointments of equal importance would be forthcoming.¹⁴

4. Legal's Opposition to Voluntary Schools

In 1914 an amendment had been passed in the second session of the third legislature in Alberta regarding voluntary schools. Boyle sent Legal a copy of the amendment along with regulations that the Department of Education had recently instituted.¹⁵ The amendment to chapter 29 of the Ordinance of 1901 read:

"(3) Every college, school or other educational institution not being a school as defined by this ordinance shall within thirty days from the 31st day of December of each year furnish the department in such form as the Minister may prescribe a yearly return giving information with respect to the pupils, teachers, curriculum and equipment of such college, school or educational institution."¹⁶

In November 1914, Legal dutifully sent the list recording the private schools under his jurisdiction in the diocese.

Legal did not consider this amendment as an infringement on Catholic autonomy in private education. He had become, in fact, an ardent opponent of strictly private institutions outside the purview of the provincial Department of Education. "Je suis tout à fait opposé à des écoles privées ou volontaires" he wrote a priest of his diocese. "Nous avons une loi qui nous conserve des avantages appréciable: il faut s'en servir, afin de ne pas nous exposer à voir ces avantages retirés de nous parce que nous les avons laissé tomber en désuétude."¹⁷ For this reason, Legal forbade kindergarten work be undertaken by nuns in Edmonton. Being outside the separate school system, such schools would be classified as private setting a "dangerous" precedent.¹⁸

5. Certificates and Diplomas

The pressure which Legal put upon the Minister of Education began to pay dividends. Boyle had expressed his decision to the Minister of Municipal Affairs, Wilfrid Gariepy, who in turn transferred it to Legal. "Such of the graduates of the Normal Schools under the catholic committee of the Council of Public Instruction of the Province of Quebec, holding academic diplomas et qui connaissent assez l'anglais

pour pouvoir conduire une école, en se servant de l'anglais, comme medium de l'enseignement," would be eligible to teach in Alberta.¹⁹

Certain other conditions had to be met. In Montreal Professor J.A. Dale of McGill University had been secured to oversee English language examinations for teachers wishing to come to Alberta. These would be held annually, in October, December, February and May. Upon arrival in Alberta, the teachers would be required to take a short course at the provincial normal school.²⁰ In Legal's estimation, if thirty bilingual teachers emigrated to Alberta, the problem of teaching French would be solved.

Since one of his priests was to tour Quebec, Legal suggested that he take the opportunity to inform teachers in that province of developments in the West and to direct them to Alberta. If he was restricted in making an open appeal to teachers, then "vous puissiez le faire indirectement au moyen de quelques personnes de votre reconnaissance, surtout les Prêtres."²¹ Legal was pessimistic, however, that the response would be vigorous.²² Because teachers could expect equivalent or better working conditions in the East, they would be reluctant to make the transfer. To facilitate westward movement, Legal declared: "Il faudrait donc obtenir du Département qu'ils se relachent un peu en ce qui concerne les diplomes d'école modèle. Mais le feront-ils? J'en doute fort."²³ He then asked a question still relevant today:

Comment se fait-il qu'il n'y ait pas, dans tout le Canada, un système de diplômes uniformes?²⁴

6. The Truancy Act

The Alberta Truancy Act became law in 1910.²⁵ In some instances the result of the law was salutary, but in the Lacombe Inspectorate, in 1911, R.H. Thibaudeau

. . . could learn of no case in which the Truancy Act was enforced. No truant officers were appointed within the inspectorate. If in rural communities, it is left for one neighbour to inform on another and prosecute him, I do not think any act will be enforced.²⁶

In 1915 Legal learned that the daughter of a Catholic parent was being kept from school and taught at home by her aunt, entirely in French. "Je ne vois pas," Legal surmised "que l'inspecteur ait le droit d'objecter, dans le cas ou l'instruction serait donnée seulement en français."²⁷ He was concerned, however, lest the education of the girl be left to the parents since they had little time to spend on her education. While he was not favourably disposed towards the compulsory aspect of the truancy law, he felt that it would remain permanently.²⁸ Nevertheless, Inspector Thibaudeau had noted the infraction and the parent had apparently been assessed total costs of five dollars and forty-five cents.

Legal complained to Attorney-General Cross. Given the fact that a thirteen-year-old had to traverse two miles of prairie to reach the school, and since she was being taught at home by her aunt, although in French, Legal found the conviction and fine "strange, even tyrannical."²⁹ Legal wanted the fine refunded. Two weeks later, he complained again that, although the girl was being sent to school in compliance with the law, the one hundred dollar bond which the parent had posted had not

been returned.³⁰ Cross waited two months before informing Legal that no fine had been imposed and that the justices and the inspector remitted their costs.³¹

Legal was not content to let matters rest. In his view, the inspector was at fault:

. . . the main point at issue was to ascertain that the child was "under efficient instruction at home," and this is left by the "Truancy Act" with the school inspector. But, in the present case, the inspector obstinately refused to take the means of ascertaining this fact, simply urging that the instruction should be in english while there is no statement to that effect in the "Truancy Act".³²

The money was of no concern to Legal: it was the "moral effect to be derived from the case." When, by January 1916, Cross had still not replied, Legal asked that the documents he had forwarded be returned. In May Legal wrote the parent explaining that the documents had not been returned and that the whole question remained unresolved.³³

7. Company Assessment

The company assessment law which would channel a more equitable share of tax money to the separate schools, adopted by Saskatchewan in 1913, was a replica of the law passed by the Alberta legislature in 1910. In Alberta the law was adopted with the concurrence of the opposition, but in Saskatchewan, a public outcry against the law entailed litigation to ascertain its legality. The Supreme Court of Canada declared the assessment law defective and the Regina separate school board, which contested its interpretation, chose not to petition the Privy Council.³⁴ Since company taxes were such an important source of revenue, Legal

hastened to inform Beck of the "precarious" financial status of certain separate school boards.³⁵ While becoming more fully acquainted with events in Saskatchewan, Beck prepared an amendment to the Alberta school assessment law.³⁶ Legal proposed to see Sifton personally and advised Catholic members of the Alberta legislature³⁷ to use their influence on behalf of Catholic interests, although he did not expect much help from that quarter.³⁸

In February 1916, the Speaker of the Assembly, Lucien Boudreau, informed Legal that Boyle had no intention of proposing any amendments to school legislation during that session.³⁹ It was apparent that the Minister of Education was content to leave the law unchanged in spite of the turmoil in Saskatchewan. Beck's amendment⁴⁰ was not introduced into the legislature and company taxes were divided according to the formula enunciated in the statutes of 1910.⁴¹

8. Bilingualism in Alberta Schools

The Alberta French-Canadian Association met in June 1913, and passed a resolution to extend the influence of the French language through the schools.⁴² The resolution was in sharp contrast to the statement of the Minister of Education: "In Alberta we have no Bi-lingual schools. There is no need for any such in my opinion. . . . English is the only language permitted to be used as the medium of instruction in our schools."⁴³ In his annual report for the year 1914, Inspector H.R. Parker of Vermilion remarked that in some French-speaking districts, the English language was being neglected.⁴⁴ Inspector LeBlanc, on the

other hand, felt that English language instruction in the French-Canadian schools of his district was "encouraging" and more bilingual teachers would facilitate language instruction.⁴⁵ In March 1915, the Conservative opposition in the provincial legislature proposed a resolution which was carried unanimously. It declared:

That this House place itself on record as being opposed to Bi-lingualism in any form in the School system of Alberta, and in favour of the English language being the only language permitted to be used as the medium of instruction in the schools of Alberta, subject to the provisions of any law now in force in the Province in that effect.⁴⁶

Legal took up the question of bilingualism in Alberta schools in June 1915. Disturbed by the lack of a proper definition of the term "bilingualism," he endeavoured to have the Minister of Education propose one. "By bilingualism many people understand the teaching of French and English," Legal wrote Boyle, "I know that this is not your view, but it seems to me that some declaration to this effect will be welcome."⁴⁷ To forestall the possibility that the controversy raging in Ontario⁴⁸ would be transferred to Alberta, Legal cautioned his co-religionists to tone down their pro-French statements.⁴⁹

In May 1916, the Lieutenant-Governor gave his approval to the regulations adopted by the Alberta Department of Education. Section 19 of the regulations read:

Subject to the provisions of Section 136 of The School Ordinance, the board of any district may employ one or more competent persons to instruct the pupils attending school in any language other than English. Such instruction shall be given between the hours of three and four o'clock in the afternoon of such school days as may be selected by the board and shall be confined to the teaching of reading, composition and grammar. The text books used shall be those authorized by the Minister of Education.⁵⁰

In the opinion of Legal's solicitors, the new regulations had the following effect: section 19 did away with the French primary course and put the French language on par with any other language outside of English. They considered section 19 ultra vires because it modified the provisions for religious instruction in section 17 of the Alberta Act.

"It is impossible to teach any language except the English always provided, between the hours of three and four and still give half an hour of religious instruction." Furthermore, ". . . an attempt has been made to amend Section 136 by taking away the privileges of the French people and placing them on the same footing as any other nationality and limiting the subjects which ought to be taught, and fixing the hour during which other languages than the English language may be taught."⁵¹

Legal passed these objections to the Minister of Education. He regretted that he had to do so: "I consider that it has been unfortunate to raise these points while I understood that it was the purpose of the Government not to raise any school agitation."⁵² Legal answered his solicitors stating that there was no cause for alarm since section 19 had been in force since 1903 in Alberta.⁵³ With the interpretation placed upon clause 136 by the Attorney-General of Saskatchewan in mind, Legal presumed that section 19 applied to paragraph (2) of clause 136 and not paragraph (1). Legal's solicitors could not concur: "if these regulations existed in 1903 and they have not affected paragraph 1 of 136, neither have they affected paragraph 2 in so far as no other language than French has been taught between the hours of three and

four in the afternoon limited to grammar, reading, and composition, except perhaps in some isolated districts where the teacher had taken the liberty to do as she pleased."⁵⁴ They concluded with a warning:

They [the government] pretend one thing but the law is open to another interpretation. The present Ministers may not always be the Ministers, and consequently we point out to you that it is folly to have ordinances and regulations which are in contradiction to the spirit of the law and which are open to legal interpretation contrary to the understanding of the Ministers themselves.⁵⁵

Legal agreed that the text of the regulations was "involved," but "any agitation on this subject at the present time would be more dangerous than useful."⁵⁶ There would be no agitation in Alberta so long as Legal and the ministers of the government understood that regulations were guidelines for action and were not to be rigidly enforced.⁵⁷

9. Federal Control of Education in Canada

Legal's experience with the system of provincial control of education led him to consider the possibility of a unified system of education for the whole of Canada.⁵⁸ He was concerned about the lack of teachers in Alberta and the impediments placed before immigrant teachers by provincial regulations. He was annoyed by different interpretations given identical laws in adjoining provinces. The rights accorded minorities in one province were inconsistent with those in another province. Some way had to be found to give order to the anomalies which existed in Canadian education.

In Legal's view, the federal government was the only body which could safeguard the rights of Catholic separate schools throughout

Canada. The phrase "separate school" was inadequate to describe what Legal had in mind. All schools in Canada would be classified as being "public" but divided into three categories, viz., Common public schools, Catholic public schools, and Protestant public schools.⁵⁹ Catholic public schools would be free to teach the dogmas and practices of the Catholic church and local boards of trustees could prescribe the use of French language instruction where practicable. In the Maritime provinces, Manitoba and British Columbia, Catholics would recover their Catholic schools. Under the proposed system, Quebec's fears would be allayed by a perpetual guarantee of religious and language rights in its own schools.⁶⁰ The changes would be advantageous to every province in Canada: only the federal government could assure equality of educational opportunity.

Conclusion

Legal was unsuccessful in having textbooks by Catholic authors declared optional for public and separate schools. At the same time, his opposition to textbooks already in use lessened. He approved of Morice's works but did not proceed beyond expressing the wish that they be accepted by the Department. Legal's attempt to place a Catholic in the attorney-general's department met with a rebuff. Legal disapproved of private or voluntary schools on the grounds that they were outside the Alberta school system and Catholic rights were dependent upon the use they made of the laws. While the machinery was set up to process teachers from Quebec, there was no immediate response and Legal continued to be

pessimistic about attracting teachers from that source. His main criticism of Inspector Thibaudeau was that he had penalized a parent for teaching a child in French rather than English. Yet, when French was apparently reduced to the status of a foreign language by provincial regulation, Legal refused to stir up opposition. Likewise, in the matter of dividing company taxes to public and separate schools, the government was content to let matters rest, although Catholic opposition was being marshalled in case the government chose to alter the existing provisions. Legal believed that federal control of education would reduce much of the friction among the various factions in Canada in the field of education.

1. C.W. Cross was Attorney-General for eleven of the sixteen years the Liberal party was in office in Alberta from 1905 to 1921. He was a staunch Laurier Liberal, an opponent of the federal Union government, and a divisive influence in Stewart's government, since he commanded the loyalty of several Liberals in the provincial legislature. L.G. Thomas, 185.
2. "What I like about your association is that you intend to run it along christian principles. . . . while I am afraid that socialistic ideas, now spreading in our midst, by discarding christianity and all christian principles, are bound to cause much harm and untold mischief, in the community." Legal Papers, Legal to H.W. Wood, Letter Book 1916-18, June 13, 1917, 619.
3. Legal was eulogized by the Edmonton press not only as a missionary priest but also as a Canadian "nation builder." The Oblate Order to which he belonged was also praised: "We can hardly exaggerate what this country, with its great development still to come, owes to the Oblate priests who came here even before the first settlers, and planted the seeds, not only of their religion, but of civilization in its broadest sense." Edmonton Journal, March 11, 1920.
4. Legal Papers, Legal to Beck, Letter Book 1913-14, September 4, 1913, 716.
5. Ibid., Legal to Rde. Mère Ste. Adelaide, Letter Book 1913-14, November 18, 1913, 817.
6. Ibid., Legal to A.G. Morice, Letter Book 1913-14, September 10, 1913, 730.
7. Ibid., same to same, Letter Book 1914-15, September 14, 1914, 575.
8. Tessier was Secretary-Treasurer as well as Superintendent of Edmonton separate schools from 1913 to 1918. Hochstein, 69.
9. Legal Papers, Legal to Boyle, Letter Book 1913-14, September 1, 1913, 706.
10. Ibid., Legal to N. Hura, Letter Book, 1913-14, September 1, 1913, 702.
11. Annual Report of the Department of Education, 1913, 7.
12. Legal Papers, Legal to G.J. Smyth, Letter Book 1913-14, December 12, 1913, 913.
13. Ibid., Legal to Smyth, Letter Book, 1914-15, April 7, 1914, 225.

George J. Smyth was Secretary of the Catholic Laymen's Association of Alberta, an organization whose purpose was to protect Catholic interests "of all kinds" in the province. Legal had corresponded with Smyth on several occasions regarding educational matters, asking for advice and aid. Ibid., Legal to To whom it may concern, Letter Book 1912-13, May 20, 1912, 118.

14. Ibid., Legal to P. Beaudry, Letter Book 1914-15, November 17, 1914, 680.
15. Ibid., Legal to Boyle, Letter Book 1914-15, February 18, 1914, 81.
16. Statutes of Alberta, 1913, 4 Geo. V, c. 16, s. 1.
17. Legal Papers, Legal to P.S. Schultz, Letter Book 1914-15, June 25, 1914, 402.
18. Ibid., Legal to Hudon, Letter Book 1914-15, July 20, 1913, 471.
19. Ibid., Legal to A. Normandeau, Letter Book, 1914-15, September 23, 1914, 592.
20. There is no evidence in the reports of the principals of the normal schools in the Annual Report of the Department of Education that such a short course was ever given to teachers from Quebec. The short course for teachers from Britain and the United States of America has already been mentioned.
21. Legal Papers, Legal to Normandeau, Letter Book, 1914-15, September 23, 1914, 592.
22. Ibid., Legal to Therien, Letter Book 1914-15, September 23, 1914, 588.
23. Ibid., same to same, Letter Book 1914-15, November 6, 1914, 660.
24. Ibid.
25. Statutes of Alberta, 1910, I Geo. V., c. 8.
26. Annual Report of the Department of Education, 1911, 57.
27. Legal Papers, Legal to A. Robreille, Letter Book 1914-16, April 14, 1915, 63.
28. Ibid., "On ne pourrait donc rien d'obtenir par protestation contre cette loi jusqu'à ce qu'elle soit abrogée; et il n'est pas probable qu'on puisse réussir à obtenir ce résultat" (ibid).

29. Ibid., Legal to Cross, personal, Letter Book 1914-16, August 10, 1915, 334.
30. Ibid., same to same, personal, Letter Book 1914-16, August 26, 1915, 363.
31. Ibid., Cross to Legal, personal, file no. 12, October 22, 1915.
32. Ibid., Legal to Cross, Letter Book 1914-16, October 24, 1915, 454.
33. Ibid., Legal to A. Randon, Letter Book 1914-16, May 16, 1916, 961.
34. Weir, 88.
35. Legal Papers, Legal to Beck, Letter Book 1914-16, October 15, 1915, 439.
36. Ibid., Legal to A. Bernier, Letter Book 1914-16, November 16, 1915, 489.
37. Ibid., Legal to L. Boudreau, Letter Book 1914-16, December 7, 1915, 536.
38. Ibid., Legal to Bernier, Letter Book 1914-16, February 7, 1916, 740.
39. Ibid., Boudreau to Legal, file no. 12, February 29, 1916.
40. The amendment proposed by Beck could not be found.
41. Legal Papers, Legal to Bernier, Letter Book 1916-18, January 2, 1917, 292.
42. Canadian Annual Review, 1913, 655.
43. Quoted in ibid., 654-5.
44. Ibid., 1914, 666.
45. Ibid.
46. Ibid., 1915, 702.
47. Legal Papers, Legal to Boyle, Letter Book 1914-16, June 25, 1915, 228.
48. To promote the teaching of English in bilingual communities, the Ontario Department of Education adopted the resolutions of Circular 17 in June, 1912. Section 3 of Circular 17 (commonly

referred to as Regulation 17) limited the use of French as a language of instruction to Form I. For those students unable to understand or speak English at the end of Form I, French language instruction could continue until the student had acquired sufficient facility in English. The enforcement of the regulation precipitated a crisis in Ontario which was not resolved until the Merchant Report was brought down in 1927 (Weir, 150-173). To defray the cost of litigation, launched by the Board of Trustees of the Ottawa Roman Catholic Separate Schools, collections were taken in Edmonton Catholic parishes in 1915. Legal gave his full support for the repeal of the Ontario regulations. Legal Papers, Legal to A. Grenon, Letter Book 1914-16, December 20, 1915, 582.

49. Ibid., Legal to N. Laliberté, Letter Book 1914-16, April 19, 1915, 76, and ibid., Legal to Therien, Letter Book 1916-18, July 27, 1916, 71.
50. Ibid., Cormack & Mackie to L.N. Depins, file no. 12, August 23, 1916.
51. Ibid.
52. Ibid., Legal to the Minister of Education, Letter Book 1916-18, September 4, 1916, 122.
53. Ibid., Legal to Cormack, Mackie & Van Allen, Letter Book 1916-18, September 9, 1916, 128.
54. Ibid., Cormack, Mackie & Van Allen to His Grace the Archbishop of Edmonton, file no. 12, September 28, 1916.
55. Ibid.
56. Ibid., Legal to Cormack, Mackie & Van Allen, Letter Book 1916-18, September 30, 1916, 152.
57. Weir characterizes Circular 17 of the Ontario Department of Education as "unfortunate," "tactless," "abortive," "a conspicuous example of administrative indiscretion" and "an ultimatum to the French." Weir, 157 and passim.
58. Legal Papers, Legal to S. Genest, Letter Book 1918-20, March 2, 1919, 602.
59. The Parent Commission on Education in Quebec recently advocated ". . . that the Public Education System of Quebec respect differences in the religious option of parents and pupils and offer a choice of Roman Catholic, Protestant and non-confessional education, insofar as the requirements for quality in education

can be satisfied in each instance." Quebec Government. Report of the Royal Commission of Enquiry on Education in the Province of Quebec. Part III, Educational Administration. Quebec: Printer for the Government of the Province of Quebec, 1966, 85.

60. Legal Papers, Legal to Genest, ibid.

CHAPTER VII

CONCLUSIONS AND OBSERVATIONS

Bishop Legal actively supported the Liberal party during the first provincial election in Alberta, but his concrete efforts to maintain the party in power did not extend beyond the first crucial election. The Liberals were least antagonistic toward separate schools and members of the government, with some notable exceptions, developed a warm personal friendship with the bishop. When Legal expected immediate recognition for his support of the party in the first election, he was rebuffed. But his disappointment was short-lived and amicable relations were soon re-established.

Legal regretted Premier Rutherford's resignation on account of the railroad controversy. He attributed Cross' ostracism from government policy-making circles to his friendship with Father Therien and his favourable attitude toward Catholic policy. Because of Sifton's "sour" disposition and the alleged anti-separate school attitude of Mitchell and MacKenzie, Legal restricted his contacts with the government. Any overtures which he did make were promptly rejected, and from 1910 to 1912 relations between the church and the government were cool and distant.

With the return of Cross and the appointment of Boyle in 1912, close cooperation resumed, but the atmosphere of negotiations was

somewhat changed. Cross maintained a discreet distance while transacting business with Catholic clergy and laymen and resisted every attempt to have a Catholic layman work in his office. Boyle, on the other hand, was more accommodating. During his six years as Minister of Education (1912-1918), several regulations advantageous to the separate school system were enacted in spite of growing anti-French sentiment. After World War I, Legal allowed the United Farmers Association to recruit members from Catholic parishes, but Legal and the Association did not enter into any discussion or negotiations regarding educational issues.

Throughout his episcopate, Legal was vitally concerned with Catholic educational problems in Alberta. Since separate school policy, within the limits of the law, was largely formulated with religious considerations uppermost, it devolved upon Legal as bishop to be the chief spokesman for Catholic interests. He firmly believed that church control of education meant control by clergy and hierarchy. Yet in his dealings with the government, the most influential of his associates was a layman, Judge Nicholas Beck. Nevertheless, Legal's close connections with government ministers made direct negotiation possible. Outside of Judge Beck, he was the only Catholic of sufficient stature, with political and ecclesiastical authority, to exert pressure on government policy.

Haultain had prophesied what could happen if the school clauses of the Autonomy Act were fully utilized. Except for the appointment of a French Catholic to the provincial inspectorial staff, responsible for

public and separate schools alike, his fears proved groundless. Statutory changes, beneficial to the minority in accordance with the intent of the Alberta Act, were enacted regarding school attendance and company assessment. The Department of Education recognized Quebec teaching certificates and the University of Alberta accepted degrees of the University of France at par. While French was restricted as a language of instruction to the first grade, the regulation was not rigidly enforced. However, in spite of Legal's efforts, statutes and regulations affecting district organization, religious instruction, and textbooks remained unchanged.

In 1907, before the Saskatchewan government had passed the Secondary Education Act, Rutherford approached Legal to reach an agreement regarding the status of separate high schools in Alberta. Although Archbishop Langevin had allowed the Saskatchewan government to pass the Act without opposition, Legal protested that Catholic rights extended to the university level. During the territorial period, and after the enactment of the 1901 Ordinance, Catholic children studied in separate schools up to Standard VIII. The Educational Council recognized the substantial claim put forth by the Catholic members that separate school rights extended to the end of the primary course, which terminated in Standard VIII. Legal was preoccupied with making full use of separate school rights within the limits of the law and feared that non-use of educational facilities beyond Standard V would lead to their withdrawal by the government. After consulting Legal on the

status of separate high schools and learning of his intransigence in the face of further erosion of separate school rights, the government chose not to press the issue.

Bishop Legal recognized the predominance of the English language in western Canada but worked earnestly to preserve French language rights, especially in separate schools. When Saskatchewan's Attorney-General interpreted clause 136 to mean that French and English were equally Canadian languages, Legal was encouraged to promote more French language study in Alberta schools. Since a primary course in French could extend to the university level, the interpretation strengthened his conviction that French language instruction could proceed throughout the elementary and secondary grades. Since Alberta schools did not prepare bilingual teachers, it was necessary to look to Quebec for qualified bilingual instructors. Many teachers in Alberta separate schools belonging to French-oriented religious orders were bilingual, but they were too few to carry the full load of French language instruction. Recognition of Quebec academic diplomas by the Department of Education was a concession to French-Canadian interests. To complete the French-oriented educational system, Legal hoped to establish a university college in Edmonton administered by French-Canadian Jesuits. In all his efforts to maintain the cultural interests of the French community in Alberta, Legal had the sympathetic ear of the provincial government, which in spite of its protestations tacitly permitted French language instruction to proceed unmolested. As an

indication of the government's good-will, a French-Canadian school inspector was appointed and stationed in inspectorates which had large French-Canadian populations. Alberta did not go so far as Ontario in attempting to regulate the French language out of existence by departmental fiat.

Besides supporting the Liberal party during the first provincial election and cultivating cordial relations with government ministers, Legal earned their cooperation by speaking frankly and working privately on sensitive issues. He lodged genuine complaints with the government, which sought to remedy the cause of dissatisfaction. Legal pleaded "protection from insult" to have "Marmion" substituted; the Assessment Act was modified to conform with the spirit of the law. Although he proposed Catholics for departmental offices, they were hired as much for their professional competence as for their religious convictions. LeBlanc's credentials placed him on a competitive level for the post of provincial inspector. On two issues, textbooks and religious instruction, the government was adamant. Legal was justified in endeavouring to replace the inferior Dominion Readers; he showed commendable zeal in searching for history texts which would be suitable alternatives to those prescribed by the Department. Legal's plea that religious instruction be permitted at any time during the school day where a homogeneous Catholic population resided seemed harmless, but a statute amendment might easily have precipitated a debate on religious issues which the government could not relish.

Catholic interests in Alberta had direct representation within the Department of Education from 1905 to 1912, when they availed themselves of the services of the Educational Council. As a watchdog on government policy and as a fruitful source of ideas, the Council was admirably served by its Catholic representatives. When he failed to secure accomplished laymen to fill the vacancies in the Council's ranks after 1912, Legal attempted to place Catholics within the ministerial offices of the government. He did not confide in Catholic members of the legislature, although they had indicated their willingness to cooperate with the Bishop in furthering Catholic aims. Since direct representation on the advisory Council was lacking, Legal felt that separate school interests could be safeguarded if Catholics were represented in the administrative and policy-making levels of government. His overtures were rejected and direct correspondence between himself and government ministers resumed as the standard method of negotiation.

Roman Catholic influence had a significant impact on the political life of the Province of Alberta in the field of education during Bishop Legal's episcopate. High school education remained under the control of separate school boards; diplomas granted by the University of France were recognized; the English curriculum was altered; French language instruction continued without departmental intervention; the assessment act was modified; a Catholic French-Canadian was appointed school inspector and Quebec teachers were encouraged to immigrate by a change in Alberta regulations. In all these changes, scarcely a ripple of discontent marred the surface tranquility of educational developments within the province.

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